

FACTSHEET

TITLE: CHANGE OF ZONE NO. 14017
(AG to R-3, South 70th Street and Rokeby Road)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Mike Eckert, on behalf of Rokeby Holdings, LLC.

RECOMMENDATION: Approval: 7-0
(Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove voting 'yes'; Corr and Lust absent).

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: None.

SPONSOR: Planning Department

OPPONENTS: None.

REASON FOR LEGISLATION:

Request for change of zone from AG Agriculture District to R-3 Residential District, on property generally located at South 70th Street and Rokeby Road.

DISCUSSION / FINDINGS OF FACT:

1. This proposed change of zone request is associated with Comprehensive Plan Amendment No. 14004 (#14R-309), Annexation No. 14004 (#14-153), the Annexation Agreement for Rokeby Road Coalition (#14-159) and Amendment No. 4 to the Woodlands at Yankee Hill Conditional Annexation and Zoning Agreement (#14R-313).
2. The purpose of this change of zone request is to allow the development of the Grandview Estates First Addition Community Unit Plan, consisting of 316 single family dwelling lots with a maximum allowed density of 760 dwelling units, on property generally located at South 70th Street and Rokeby Road.
3. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.5-6, concluding that the subject site is designated for future urban density residential land uses on the Future Land Use Map, thus the request for change of zone is in conformance with the requirements of the Zoning Ordinance and the Comprehensive Plan. The staff presentation is found on p.7-8.
4. The applicant's testimony is found on p.8-9.
5. There was no testimony in opposition.
6. On June 25, 2014, the Planning Commission voted 7-0 to recommend approval of the this change of zone request.
7. On June 25, 2014, the Planning Commission also voted 7-0 to recommend approval of the associated Annexation No. 14004 (#14-153); and voted 7-0 to adopt Resolution No. PC-01401 approving Special Permit No. 14015, Grandview Estates First Addition Community Unit Plan, with conditions, for 316 lots with a maximum density of 760 dwelling units, generally located at South 70th Street and Rokeby Road. The special permit was not appealed to the City Council.
8. On July 9, 2014, the Planning Commission voted 9-0 to recommend approval of the associated Comprehensive Plan Amendment No. 14004 (#14R-309).
9. Subsequent to the action by the Planning Commission but prior to scheduling on the Council agenda, the applicant submitted a revised legal description for this change of zone and the associated annexation, as set forth on p.11-13. This phase of the annexation and development will not border Rokeby Road. In future phases, the City will annex portions of Rokeby Road. The boundary has been revised in order change the zoning on the land a little further east and not as far south as was reviewed by the Planning Commission.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: December 1, 2014

REVIEWED BY: David R. Cary, Acting Director of Planning

DATE: December 1, 2014

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 25, 2014 PLANNING COMMISSION MEETING

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

PROJECT #: Annexation #14004
Change of Zone #14017

PROPOSAL: To annex and **change the zoning from AG Agriculture and R-3 Residential for Grandview Estates 1st Addition** for approximately 26.35 acres

LOCATION: South 70th Street and Rokeby Road

LAND AREA: Annexation #14004 - Approximately 26.35 acres
Change of Zone #14017 - Approximately 26.35 acres

CONCLUSION: The subject property is adjacent to the city limit, and the full range of municipal services can be provided if annexed. A change of zone to R-3 is consistent with the Future Land Use Map and compatible with the adjacent development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan provided the owner enters into an annexation agreement with the City of Lincoln.

RECOMMENDATION:

AN#14004

CZ#14017

Conditional Approval

Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2.

GENERAL INFORMATION:

LEGAL DESCRIPTION: AN#14004 and CZ#14017 - See attached legal description.

EXISTING ZONING: AG Agriculture

SURROUNDING LAND USE AND ZONING:

North:	Residential (under development)	R-3, AG
South:	Agriculture	AG
East:	Agriculture	AG
West:	Residential	AGR

EXISTING LAND USE: Agriculture.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates this site for urban density residential land uses.

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

Pg 12.14 - The ANNEXATION POLICY of the 2040 Comprehensive Plan:

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 which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. Annually 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.

ASSOCIATED REQUEST: Special Permit #14015 for the Grandview Estates 1st Addition community unit plan for 318 dwelling units.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** Sanitary sewer is available in the adjacent development, The Woodlands at Yankee Hill PUD. Funds are shown in the Capital Improvement Program (CIP) for years 2013-14 to extend it through the subject development to South 84th Street. The proposed annexation agreement calls for this sewer to be built in 2014-15.
- B. **Water:** Water is also available in the adjacent development, and the 16" line in Lilee Lane will be extended. To provide a looped system needed to meet fire flow requirements and uninterrupted service in the event of line breaks, the draft annexation agreement proposes that the City install a 24" water main in South 84th Street between Yankee Hill and Rokeby in 2014-15, along with a 16" main in Rokeby Road from South 84th Street to the east edge of this development to also be installed in 2014-15. The internal water mains to serve the lots within development will be installed by the developer at the time of final plat.
- C. **Roads:** All internal streets proposed as part of the development are local streets and will be constructed as the development is final platted. South 70th Street is a two-lane, asphalt county road and is not programmed into the CIP for improvement. No new connections to South 70th Street are proposed with this development.

Rokeby Road is a two-lane, gravel county road. The draft annexation agreement proposes to improve it in phases, with design and grading to occur in 2014-15. Paving will occur in potentially as small as one-quarter mile increments, to be paid for with arterial street impact fees that are collected from the homes that are built within the development.

- D. **Parks and Trails:** The bike trail system extends southeast along the drainage which also bisects this development. Where the trail intersects with the north edge of this development it turns east and can be extended both to South 84th Street or a potential future school site north of this project.
- E. **Fire Protection:** After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). LFR recommends approval, but notes it is important for all parties involved in this development to know LFR will not be able to respond to the location of this development with an ambulance within eight (8) minutes or with a fire engine or truck within 5 minutes due to the distance of this development from our existing facilities.

The 2012-2018 CIP includes two items to help address inadequate coverage in southeast Lincoln. During fiscal year 2015-16, approximately \$2.5 million from a future general obligation bond issue are programmed for a new station in the vicinity of Highway 2 and Pine Lake Road. A second planned project programs

approximately \$2.4 million, also from a future general obligation bond issue during fiscal year 2013/2014, to relocate Station #12 located at South 84th & South Streets to South 84th & Pioneers Blvd.

ANALYSIS:

1. These are related requests for both annexation and a change of zone, and are associated with a special permit for the Grandview Estates 1st Addition community unit plan (CUP). The CUP includes the specific development plan for the project. See the report for SP#14015 for the detailed review and recommendations on that request.
2. The associated special permit for the CUP covers 109.22 acres, and seeks to have an overall development plan approved for an area much larger than that which will be annexed and re-zoned. The requests covered by this report seek to annex and re-zone only 20.33 acres at this time.
3. The area to be annexed is located within Tier I, Priority B of the Comprehensive Plan, and can be served by the full range of city services. For water service, the goal is for new development to have a looped system. This is a precaution to help minimize the number dwellings without service in the event that a water main has to be closed for service or repair, and to meet fire flow requirements for emergency responders.

A looped system will require that the City to eventually extend water mains in both South 70th and South 84th Streets, and in Rokeby Road. The first phase which is proposed with this annexation and change of zone will get primary service from the main in South 70th Street, but also makes a connection to the public system in the adjacent development to the north. The ability to connect to the adjacent development prevents a temporary 'dead-end system', and is acceptable to the Water Department. As future phases are platted, the water system will be extended and connected to the future main in Rokeby Road.

4. The subject property is located within the Southeast Rural Fire District #1. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted the financial analysis and there is no money due the District.
5. It is also the developer's responsibility to reach an agreement regarding any compensation due the Rural Water District #1 as a result of the proposed annexation, and to acquire a statement of 'relinquishment and release' from RWD#1. Verification that the release has been approved is included as a provision in the draft annexation agreement, which states the release must be approved prior to approval of any final plat within the development.
6. State law requires adjacent road rights-of-way to be annexed automatically with the adjacent property, and so this request requires a portion of Rokeby Road to be annexed. The associated draft annexation agreement includes a provision that prohibits lots from

being platted within 110' of Rokeby Road until such time as the street is improved. This is due both to the expectation that platted lots inside the city are surrounded by improved streets, and to help minimize the number of lots potentially impacted by dust from a gravel road.

7. CPA#14004 has been submitted and is now under review by staff, tentatively scheduled for the Planning Commission on 7/9/14. It seeks to amend the Future Land Use Map by changing the designation from Urban Density Residential to Commercial over approximately 28 acres located near the intersection of South 84th Street and Rokeby Road, approximately one mile to the east of this project.
8. The site is designated for future urban density residential land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

Prepared by:
Brian Will, 441-6362, bwill@lincoln.ne.gov
June 11, 2014

**APPLICANT/
CONTACT:**

Mike Eckert
Civil Design Group
8535 Executive Woods Drive
Lincoln, NE 68512
(402)434-8494

OWNER:

Rokeby Holdings, LLC
8020 O Street
Lincoln, NE 68510

**ANNEXATION NO. 14004,
CHANGE OF ZONE NO. 14017,
and
SPECIAL PERMIT NO. 14015,
GRANDVIEW ESTATES FIRST ADDITION COMMUNITY UNIT PLAN**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 25, 2014

Members present: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove; Corr and Lust absent.

Staff recommendation: Approval of the annexation, subject to an annexation agreement; approval of the change of zone; and conditional approval of the special permit for community unit plan.

There were no ex parte communications disclosed.

Staff presentation: **Brian Will of Planning staff** noted that the three applications are related but not identical in area covered. He then explained the boundaries of the applications. The boundary of the special permit is approximately 109 acres. The annexation and change of zone are for a smaller area, approximately 29-30 acres right at the intersection.

Will suggested that with the special permit covering an area larger than what is going to be annexed and zoned at this time, gives all of us in the community an opportunity to look at the larger development and see how the street connections and infrastructure will work. Currently, the city staff and the developer's representatives are involved in negotiations on the annexation agreement, which is not yet signed but it will be signed before scheduling on the City Council agenda.

The total density of the community unit plan would be just over 700 dwelling units, and staff is recommending that the total density be approved for this CUP. The CUP shows 316 dwelling units at this time, thus if there should be some change in the concept plan over the next several years or perhaps two-family or multi-family dwellings, the initial approval has already been granted and the developer does not have to come back to the Planning Commission.

Will stated that the staff recommends approval of all three applications, conditional upon an annexation agreement and conditions of approval in the special permit.

Harris inquired about the current response time at this location for emergency fire service. **Pat Borer, Assistant Fire Chief**, stated that the two closest fire stations are 84th and South (#12) and 48th and Claire just north of Hwy 2 (#6). Travel time for #12 is 6.6 miles and #6 is 4.4 miles, so the respective travel response times would be about 7 minutes for #6 and about 12 minutes for #12.

Once the new station is built and the station at 84th and South Street is relocated, Harris inquired whether this area would then be within the 5-8 minute range. Borer acknowledged that there is a new fire station proposed in the CIP in the area of 70th and Pine Lake Road, so that would improve the response time.

Beecham referred to the discussion in the conditions of approval about the watershed study where it talks about no disturbance east of the ridge line. Will pointed to the drainage area on the map. He believes that the applicant may have already undertaken the drainage study, but the purpose of that condition of approval is to make sure the developer understands that that watershed study needs to be completed before any disturbance of property occurs.

Weber referred to the approved project to the north, and wondered at what point in time we become concerned about the stretch of 70th Street and Yankee Hill Road to Pine Lake Road being restrictive. Are we going to four-lane 70th Street? Will stated that as development continues to occur, the traffic demand will continue to increase. At this time, Yankee Hill Road between 70th Street and 84th Street is the highest priority in this area for improvement. The amount of development that we are talking about to the east of Yankee Hill Road probably does not place the sort of demand that we are seeing on Yankee Hill Road between 70th and 84th Streets, but as that demand increases it may rise to the level of the list of priorities for improvement. Weber then referred to the development south of Old Cheney Road on 27th and 40th, where the lanes were pretty much four-laned along with the development. It seems like we are hopscotching out to do development without the roads accompanying it.

Sunderman asked whether the roundabout shown at 70th Street and Rokeby Road is just conceptual at this time. Will believes the city and the applicant are in general agreement that it would be a good idea, but he does not know that it is any more than that at this point in time.

Proponents

1. Mike Eckert of Civil Design Group, testified on behalf of Rokeby Holdings, Ltd., the developer. Before the recession, this land was perceived to be developed around 2006-07. He showed the conceptual site plan. The Rokeby Coalition area started out with 13 owners, now 11. The land in this drainage basin has always been in the future service limit, but in 2006, we figured out how to get sewer through the hill to get to Tier III property. The first phase of this project came in as an isolated 22-acre parcel last year. This is the first piece of property that is in that larger Coalition, which includes about 760 acres. Eckert believes that this is going to be an area that will see a lot of growth in the next few years, with good services and plans for schools, etc.

Eckert was appreciative for being able to work with the city staff in terms of doing a larger CUP and then phasing it in in terms of annexation. Part of the agreement is that until the money is there to build Rokeby Road with impact fees, this development has to stay 110' away from Rokeby Road in terms of platting.

Eckert explained that the portion in the drainage basin will be graded and tied into the annexation agreement.

With regard to the fire issue and road issue, Eckert acknowledged that there has always been an issue with the county roads and widening. In this square mile, there will be less traffic on 70th Street because of the existing acreages in the area, thus extending the time to get the funds to improve 70th Street. The Woodlands development and Grandview will be required to build temporary turn lanes to make the safe transition when the funds are available.

Eckert suggested that at full build-out, these 316 lots will generate about \$1.6 million of impact fees: \$800,000 for roads, \$700,000 for water and sewer and over \$100,000 for parks. Eckert estimates that the development will also generate nearly \$600,000 in sales tax at full build-out. In other words, this project will generate \$2.2 million. The value of the sewer and roads will be \$6 million that will be turned over to the city and future residents.

Eckert advised that the developer and staff are progressing on the annexation agreement and hope to bring it forward after the approval of the CIP in August or September.

Eckert believes that this is the next of many phases in a four-mile area of the city.

There was no testimony in opposition.

ANNEXATION NO. 14004

ACTION BY PLANNING COMMISSION:

June 25, 2014

Cornelius moved approval, subject to an annexation agreement, seconded by Scheer.

Weber expressed concern about the traffic as we continue to build out in this area. We are not at that point yet, but he doesn't want to get to that point without planning for it.

Sunderman commented that the concept of designing the whole area is excellent. Everything can work together a lot better when we plan ahead. It will be a lot more efficient.

Motion for approval, subject to an annexation agreement, carried 7-0: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove voting 'yes'; Corr and Lust absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 14017

ACTION BY PLANNING COMMISSION:

June 25, 2014

Cornelius moved approval, seconded by Scheer and carried 7-0: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove voting 'yes'; Corr and Lust absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 14015

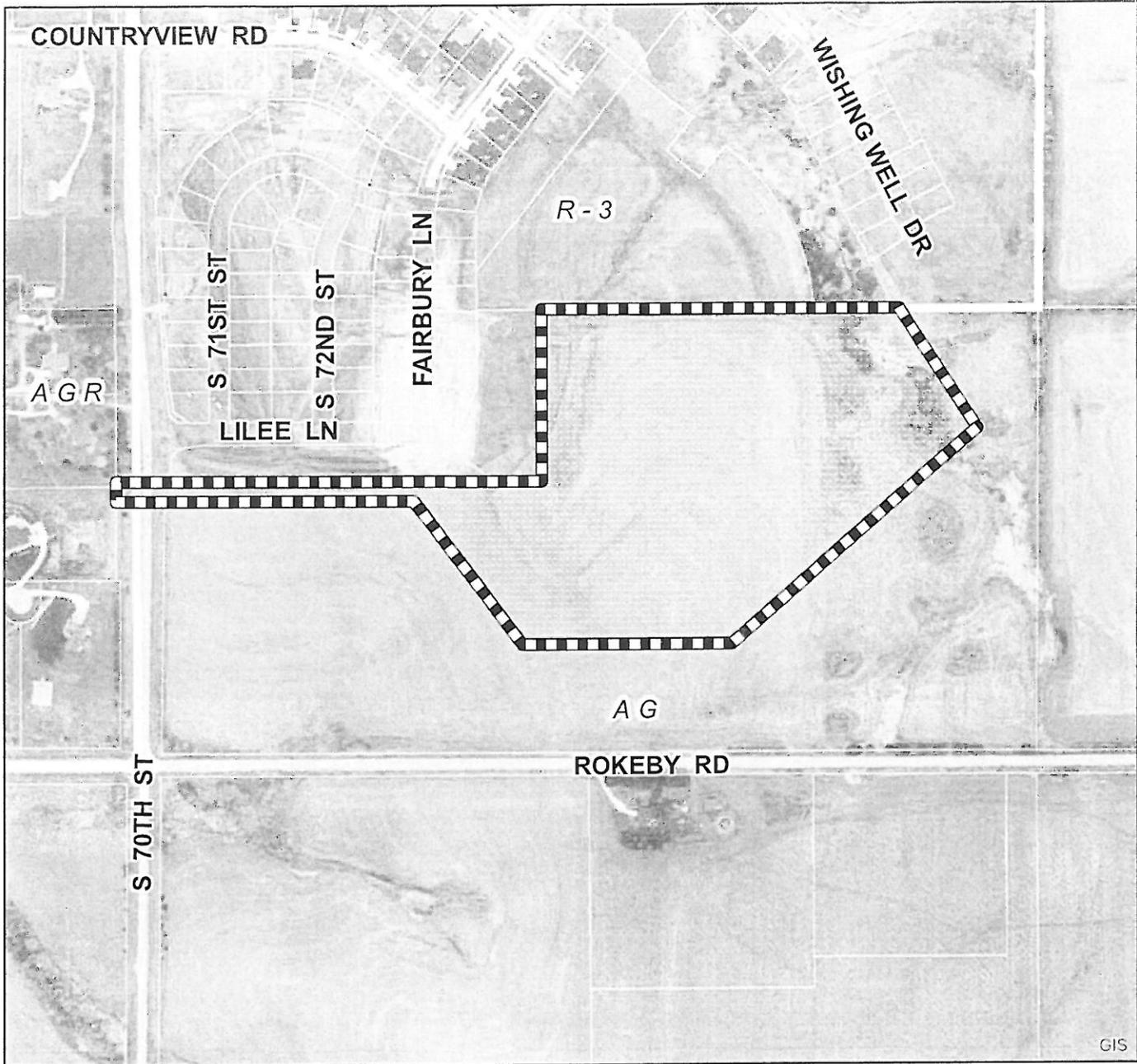
ACTION BY PLANNING COMMISSION:

June 25, 2014

Weber moved to approve the staff recommendation of conditional approval, second by Cornelius.

Harris commented that she had some questions about the rescue response time and it may not be ideal now, but it sounds like there is a solution in sight and this development has been anticipated for some time by the City so she will support it.

Motion for conditional approval carried 7-0: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove voting 'yes'; Corr and Lust absent. This is final action, unless appealed to the City Council within 14 days.

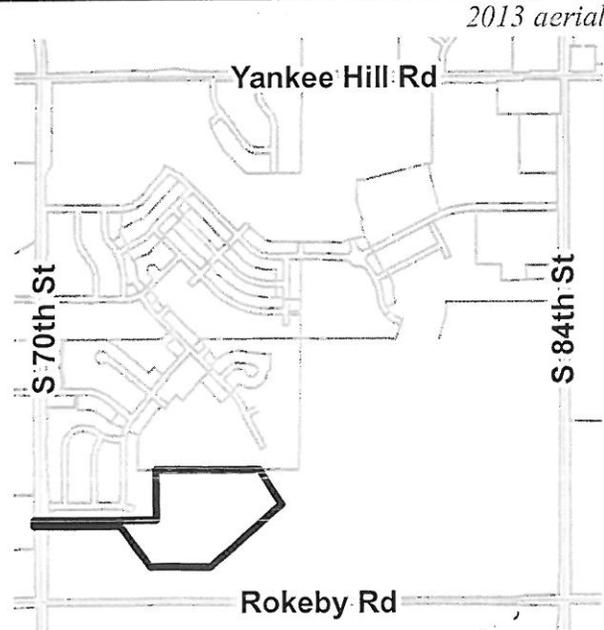
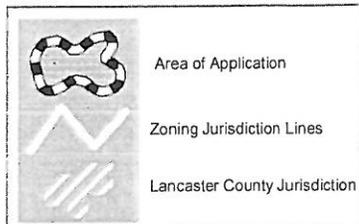


**Annexation #: AN14004 and
Change of Zone #: CZ14017 (AG to R-3)
Grandview Estates 1st Addition
S 70th St & Rokeby Rd**

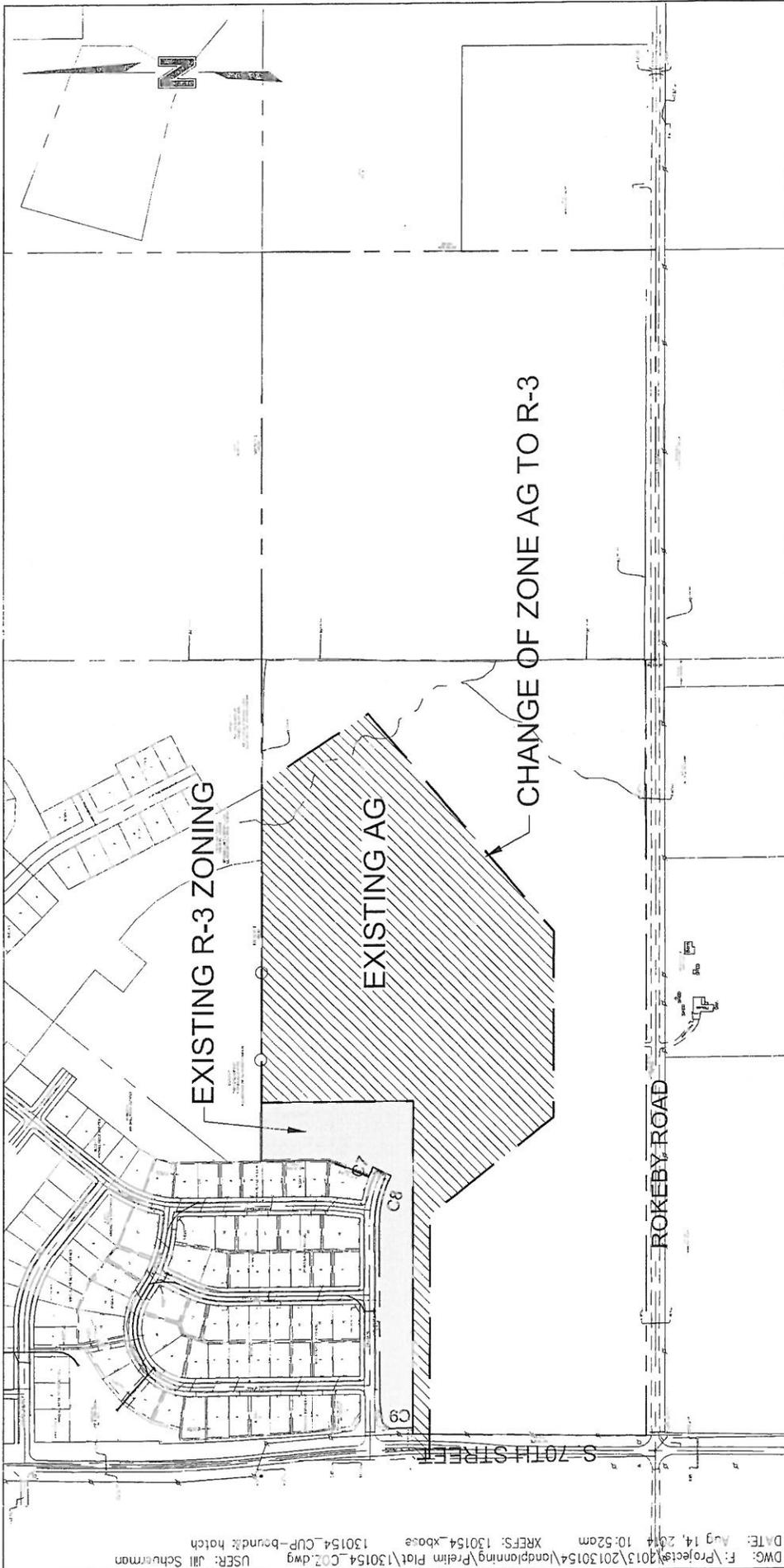
Zoning:

- 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

One Square Mile:
Sec.27 T09N R07E



2013 aerial



DWG: F:\Projects\2013\20130154\landplanning\Prelim Plat\130154_C02.dwg USER: Jill Schurman
 DATE: Aug 14, 2014 10:52am XREFS: 130154_xbase 130154_CUP-bound: hatch

EXHIBIT
 1 OF 2

Civil Design Group, Inc.
 CIVIL ENGINEERS
 LINCOLN, NEBRASKA 68517
 Ph: 402-434-8994 Fax: 402-434-8947
 www.civildg.com

CONSULTING ENGINEERS 4 AND USE IN ANNEXATION
 CIVIL DESIGN SITE DEVELOPMENT, PLANNING AND ZONING

CHANGE OF ZONE & ANNEXATION EXHIBIT
GRANDVIEW ESTATED FIRST ADD.
LINCOLN, NEBRASKA

drawn by: jds
 checked by: -
 project no.: 2013-0154
 date: 08/14/2014

CHANGE OF ZONE LEGAL DESCRIPTION- AG TO R-3 AND ANNEXATION

A legal description of a part of Lot 68 I.T. located in the Southwest Quarter of Section 27, Township 9 North, Range 7 East, of the Sixth P.M., Lincoln, Lancaster County Nebraska and more particularly described as follows:

Beginning at the Northwest corner of Lot 68 I.T. Easterly on the North line of Lot 68 I.T. and on an assumed bearing of S 89° 57' 46" E for a distance of 1107.39'; Thence N 00° 15' 43" W for a distance of 500.00' to a point on the North line of Lot 68 I.T.;

Thence along the North line of said Lot 68 I.T. on a bearing of S 89° 56' 23" E for a distance of 1058.07'; Thence S 33° 37'04" E for a distance of 419.68', Thence S 49° 19'46" W for a distance of 959.69', Thence N 89° 56' 10" W for a distance of 618.07', Thence N 37° 26' 17" W for a distance 526.83', Thence N 89° 56' 10" W for a distance 811.65' to a point on the centerline of S. 70th Street. Thence along the centerline of N. 70th Street N 00° 15' 43" W for a distance 56.91', Thence S 89° 57' 46" E for a distance 82.61' to the Northwest corner of Lot 68 I.T. and the Point of Beginning and containing a calculated area of 26.35 Acres more or less.

DWG: F:\Projects\2013\20130154\landplanning\Prelim Plat\130154_COZ.dwg USER: Jill Schuerman
 DATE: Aug 14, 2014 10:53am XREFS: 130154_xbase 130154_CUP-bound& hatch

drawn by: JDS
 checked by: -
 project no.: 2013-0154
 date: 08/14/2014

**CHANGE OF ZONE & ANNEX.
 EXHIBIT
 GRANDVIEW ESTATES FIRST ADD.
 LINCOLN, NEBRASKA**

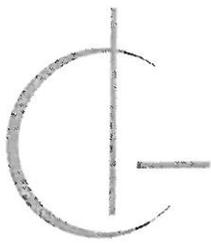


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EXHIBIT

**2
 OF
 2**



Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

www.civildg.com

May 28, 2014

Mr. Marvin Krout, Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

**Re: Request for Annexation, Change of Zone, and Community Unit Plan (CUP) for
Grandview Estates First Addition
CDG Project No. 2013-0154**

Dear Marvin:

On behalf of Rokeby Holdings LTD, we submit the above applications for an addition to the Grandview CUP to add 109.22 acres and an annexation and change of zone from AG to R-3 for 20.33 acres within the new CUP area. This CUP will contain 316 single family lots, associated roads, outlots and detention facilities.

Public Work is extending a 16" water main down S. 70th Street that will provide redundant water supply and pressure for this development. We are asking for a waiver of block length for Block 11. We designed and redesigned this area of the CUP several time to try and meet the block length requirement in light of the severe grade drop towards the drainage way to the east. The cul-de-sac was the most prudent method to absorb the grade change while keeping the adjacent north and south streets within the city's maximum slope requirements.

With these applications we also submit the following items:

Applications for a CUP, Change of Zone and Annexation
Change of Zone Fee - \$792.00
CUP Fee - \$3,792.00
Site and Design Plans uploaded via ProjectDox
Wetland Delineation Report via ProjectDox

I hope that this letter in conjunction with the plans sets provides you with enough information to review these applications. In an effort to facilitate the review process, please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Rokeby Holdings LTD

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