



ORDINANCE NO. 21587

1 AN ORDINANCE annexing and including the below described land as part of the City of
2 Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of
3 Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of
4 Lincoln, Nebraska established and shown thereon.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That the land legally described as follows:

7 A TRACT OF LAND COMPOSED OF A PORTION OF THE NORTHWEST QUARTER
8 OF THE SOUTHWEST QUARTER AND A PORTION OF LOT 49 I.T., LOCATED IN
9 THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36,
10 TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY,
11 NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

12 COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST
13 QUARTER OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH
14 P.M., LANCASTER COUNTY, NEBRASKA; THENCE S89°47'57"E, ON THE
15 NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST
16 QUARTER, A DISTANCE OF 33.00' TO THE TRUE POINT OF BEGINNING;
17 THENCE, CONTINUING, S89°47'57"E ON SAID LINE, AND ON THE NORTHLINE
18 OF SAID LOT 49 I.T., A DISTANCE OF 2,470.67' TO A POINT; THENCE
19 S22°20'02"E, ON AN EAST LINE OF SAID LOT 49 I.T., SAID LINE BEING A WEST
20 RIGHT- OF-WAY LINE OF THE FORMER UNION PACIFIC RAILROAD, A
21 DISTANCE OF 325.06' TO A POINT; THENCE S00°09'53"W, ON AN EAST LINE OF
22 SAID LOT 49 I.T., A DISTANCE OF 526.87' TO A POINT; THENCE N89°49'23"W,
23 ON A SOUTH LINE OF SAID LOT 49 I.T., A DISTANCE OF 450.05' TO A POINT;
24 THENCE S00°07'54"W, ON AN EAST LINE OF SAID LOT 49 I.T., A DISTANCE OF
25 196.65' TO A POINT; THENCE N89°51'41"W, A DISTANCE OF 288.37' TO A POINT;
26 THENCE N21°46'50"W, A DISTANCE OF 549.82' TO A POINT; THENCE
27 N66°46'50"W, A DISTANCE OF 420.84' TO A POINT; THENCE S68°13'10"W, A
28 DISTANCE OF 456.55' TO A POINT; THENCE S21°46'50"E, A DISTANCE OF 650.64'
29 TO A POINT; THENCE S18°15'42"E, A DISTANCE OF 211.85' TO A POINT;
30 THENCE N89°51'22"W, ON THE SOUTH LINE OF SAID NORTHWEST QUARTER
31 OF THE SOUTHWEST QUARTER, A DISTANCE OF 1158.75' TO A POINT;
32 THENCE N00°31'01"E, ON A LINE 33' EAST AND PARALLEL WITH THE WEST
33 LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A
34 DISTANCE OF 1,326.31' TO THE POINT OF BEGINNING, SAID TRACT
35 CONTAINS A CALCULATED AREA OF 2,407,255.64 SQUARE FEET OR 55.26

1 ACRES, MORE OR LESS.

2
3 be and it hereby is annexed and included within the corporate limits of the City of Lincoln,
4 Nebraska and is hereby made a part of the City of Lincoln, Nebraska for all purposes.

5 Section 2. That the "Corporate Limits Map" attached to and made a part of Ordinance No.
6 18208, be and it is hereby amended to reflect the above extension of the corporate limits boundary
7 of the City of Lincoln. Said map amendment is shown on Attachment "A" which is attached hereto
8 and made a part hereof by reference.

9 Section 3. That, pursuant to the Lincoln City Charter Article IV, Section 2a; Neb. Rev.
10 Stat. § 15-247 (Reissue 2012); and Neb. Rev. Stat. § 32-553, et seq. (Reissue 2016), the land
11 annexed above shall be assigned to City Council District #2.

12 Section 4. This ordinance shall be published, within fifteen days after the passage hereof,
13 in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the
14 official bulletin board of the City, located on the wall across from the City Clerk's office at 555 S.
15 10th Street, in lieu and in place of the foregoing newspaper publication with notice of passage and
16 such posting to be given by publication one time in the official newspaper by the City Clerk. This
17 ordinance shall take effect and be in force from and after its passage and publication or after its
18 posting and notice of such posting given by publication as described herein and in the City Charter
19 provided.

Introduced by:

AYES: Bowers, Carlson, Duden, Shobe, Washington,
Weber; NAYS: None; ABSENT: Beckius.

Approved this 18th day of April, 2024:

Mayor

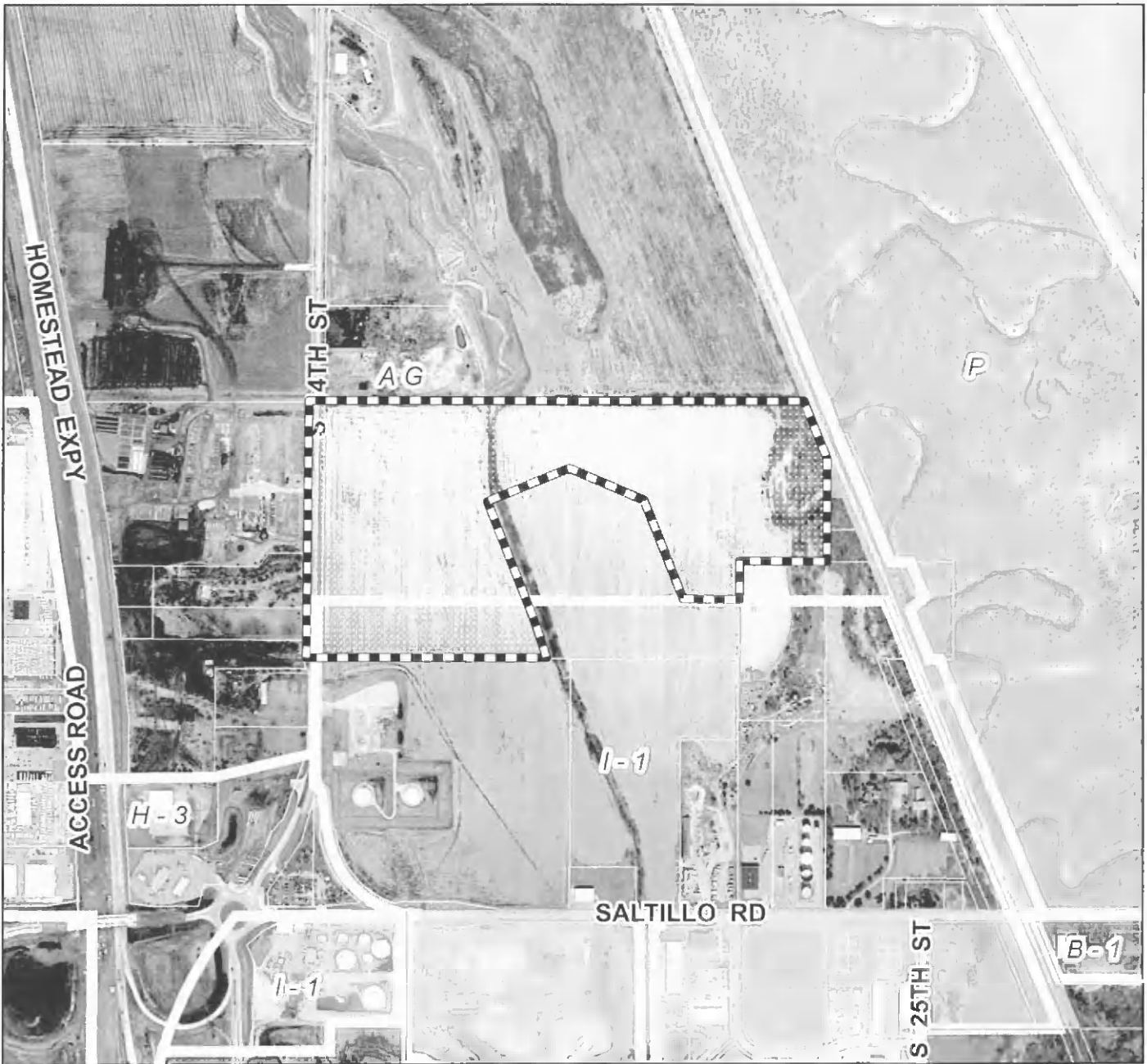
Approved as to Form & Legality:

City Attorney

PASSED

APR 15 2024

BY CITY COUNCIL



2022 aerial

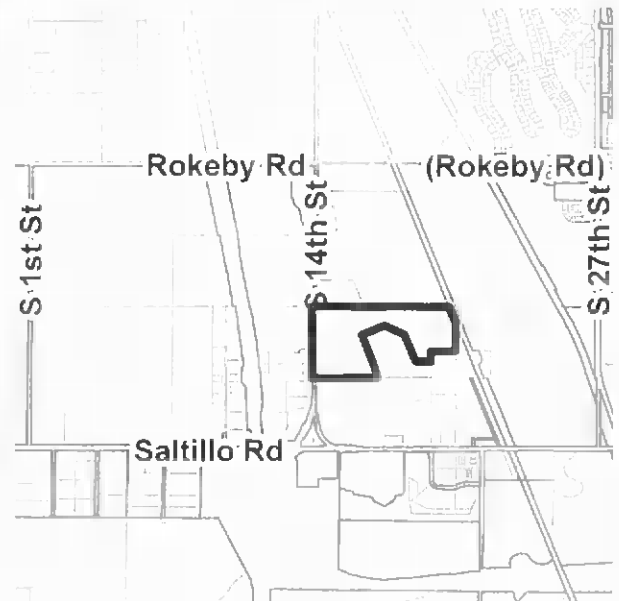
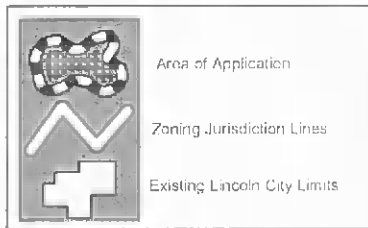
Annexation #: AN23002
Jamaica North Business Park
S 14th St & Saltillo Rd



Two Square Miles:
 Sec.36 T09N R06E
 Sec.35 T09N R06E

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



PLANNING DEPARTMENT SUMMARY REPORT

TITLE: Annexation 23002 – annexation of approximately 55.26 acres, more or less with a change of zone and use permit for 29 commercial/ industrial lots.
(S. 14th Street and North of Saittilo Road)

PLANNING COMMISSION RECOMMENDATION:
Approval: 7-0: Ball, Campbell, Cruz, Eddins, Joy, Rodenburg, and Edgerton voting 'yes'; Corr and Ryman Yost absent.

APPLICANT: FOG Limited Partnership

OPPONENTS: No one testified at this time

STAFF RECOMMENDATION: Conditional Approval

REASON FOR LEGISLATION:

This is a request for annexation associated with: a change of zone from both AG Agriculture, and I-1 Industrial, to I-3 Employment Center, Use Permit #23002 for the Jamaica North Business Park; and Comprehensive Plan Amendment #23003. The request for annexation totals approximately 57.5 acres including the South 14th Street right-of-way. The change of zone totals approximately 55 acres, including 40 acres currently zoned AG Agriculture and 15 acres zoned I-1 Industrial, all changing to I-3 Employment Center.

The associated Use Permit totaling 73.48 acres will cover the proposed I-3 area and will be developed in two separate phases. A Use Permit is required to accompany I-3 zoning and will serve as the preliminary plat for this development, detailing the layout, grading and drainage, and street profiles for the site. This proposal includes 29 lots with five outlots, including designated green space and floodplain mitigation next to Wilderness Park.

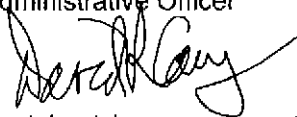
DISCUSSION / FINDINGS OF FACT:

1. On May 17, 2023, the Planning Commission held a public hearing on this annexation request, as well as associated Change of Zone 23014 (Bill #24-34), Use Permit (Bill #24R-115) and associated Comprehensive Plan Amendment 23003 (Bill #24R-115). There is an associated annexation agreement (Bill #24R-114) with this request.
2. The staff recommendation is based upon the "Analysis" as set forth on pp. 5-6, concluding that this request for annexation is contiguous with existing city limits along the east side of the site abutting Wilderness Park. Approximately 15 acres of the site is existing I-1, Industrial zoning that was rezoned in the 1960s and could develop following the I-1 standards today without annexation being required. Due to this unique situation, the proposed I-3 zoning, with the associated Use Permit, will be compatible with the surrounding I-1 and H-3 zoning and guide future development and ensure the impact on both the existing flood plain and development in proximity to Wilderness Park are addressed.
3. Staff presentation can be found on p. 26. Testimony by the applicant is found on pp. 26-27 and Exhibit 2 on pp. 30-32. There was no testimony in support or opposition of this application. Neutral testimony is found on p. 28 and Exhibit 3 on p.33.
4. On May 17, 2023, the Planning Commission voted 7-0 (Corr and Ryman Yost absent) to recommend approval of Annexation 23002 as set forth in the conditions of the staff report dated April 6, 2023.

5. On May 17, 2023, the Planning Commission voted 7-0 (Corr and Ryman Yost absent) to recommend approval of associated Change of Zone 23014, as set forth in the conditions of the staff report dated April 6, 2023, and voted 7-0 (Corr and Ryman Yost absent) to recommend approval of associated Use Permit 23002, as set forth in the conditions of the staff report dated May 4, 2023. The Planning Commission voted 7-0 (Corr and Ryman Yost absent) to approve Comprehensive Plan Amendment 23003.

SUMMARY REPORT PREPARED BY: Shelli Reid, Administrative Officer
REVIEWED BY: David R. Cary, Director of Planning

DATE: March 21, 2024
DATE: March 21, 2024



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER
Annexation #23002
Change of Zone #23014

FINAL ACTION?
No

DEVELOPER/OWNER
FOG Limited Partnership

PLANNING COMMISSION HEARING DATE
May 17, 2023

RELATED APPLICATIONS
Use Permit #23002
Comprehensive Plan Amendment
#23003

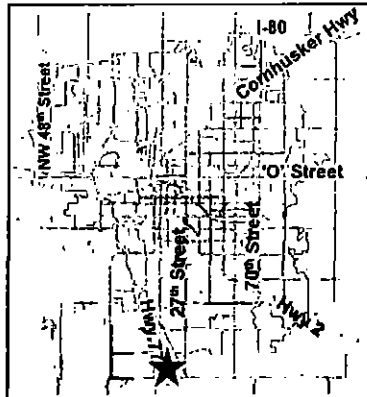
PROPERTY ADDRESS/LOCATION
Generally located east of South 14th
Street, north of Saltillo Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a combined request for an annexation and change of zone from both AG, Agriculture and I-1, Industrial, to I-3, Employment Center with an associated Use Permit #23002 for the Jamaica North Business Park and Comprehensive Plan Amendment #23003. The request for annexation totals approximately 57.5 acres including the South 14th Street right-of-way. The change of zone totals approximately 55 acres, including 40 acres currently zoned AG, Agriculture and 15 acres zoned I-1, all changing to I-3, Industrial.

The associated Use Permit totaling 73.48 acres will cover the proposed I-3 area and will be developed in two separate phases. A Use Permit is required to accompany I-3 zoning and will serve as the preliminary plat for this development, detailing the layout, grading and drainage, and street profiles for the site. This proposal includes 29 individual I-3 lots for development with five outlots, including designated green space and floodplain mitigation next to Wilderness Park.



JUSTIFICATION FOR RECOMMENDATION

This request for annexation is contiguous with existing city limits along the east side of the site abutting Wilderness Park. Approximately 15 acres of the site is existing I-1, Industrial zoning that was rezoned in the 1960s and could develop following the I-1 standards today without annexation being required. Due to this unique situation, the proposed I-3 zoning, with the associated Use Permit, will be compatible with the surrounding I-1 and H-3 zoning and guide future development and ensure the impact on both the existing flood plain and development in proximity to Wilderness Park are addressed.

APPLICATION CONTACT

Olsson Associates, Brad Marshall, (402) 474-6311 or bmarshall@olsson.com

STAFF CONTACT

Ben Callahan, (402) 441-6360 or bcallahan@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Currently, the 2050 Comprehensive Plan shows this location on the Future Land Use Map as a mix of Agriculture, Ag Stream Corridor, Environmental Resources, and Industrial. This general area around Highway 77 and Saltillo Road includes agriculture, commercial, and industrial uses today. A portion of this site along with much of the area to the south of this property, spanning along Saltillo Road is already zoned I-1, Industrial for many years, and developed with I-1 uses in close proximity to this site. The Comprehensive Plan encourages all new commercial and industrial zoning to be within city limits and not left outside the city. A Comprehensive Plan Amendment has been submitted to update the Future Land Use Map to show this site as both Industrial and Environmental Resources. Given the proximity of the surrounding I-1 zoning and pipelines, this is not an appropriate location for residential uses.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Industrial, Environmental Resources, Agriculture, and Ag Stream Corridor on the 2050 Future Land Use Plan.

Fundamentals of Growth in Lancaster County

Multi-directional contiguous growth. Lincoln's future urban growth should generally occur in multiple directions around the existing city. Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core. Lincoln's sense of community has been based on incremental, compact growth built on the foundations of established neighborhoods. Future growth will continue this traditional pattern and be linked to both the level of demand in the market and to the orderly extension of public improvements and services.

Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

Concurrency

New commercial and industrial development should be located in Lincoln and other incorporated communities. Lincoln has ample land area and infrastructure availability for commercial and industrial development. The situation is similar in most incorporated communities in the county. Rural areas of the county do not have access to urban infrastructure, and commercial or industrial development can add significant traffic and maintenance responsibilities to county roads.

Goals Section

G3: High-Quality Workforce. Lincoln and Lancaster County will strive to remove barriers to economic stability and mobility in the community by supporting a skilled and educated workforce that is able to adapt to economic, technological, and cultural changes. A high-quality workforce benefits the entire community because it attracts quality employers and entrepreneurs, which helps to grow our population and tax base and facilitates quality of life investments across a variety of sectors, and it ensures that Lincoln and Lancaster County are well-positioned to compete in tomorrow's economy.

G4: Economic Opportunity. Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion. Quality-of-life attributes, such as diverse and accessible housing, good shopping, restaurants and entertainment, quality schools and healthcare, a sense of safety, and amenities such as parks and trails are important to ensuring that skilled individuals want to remain or relocate to our community.

Elements Section

E3: Business, Economy, and Workforce

Commercial and Industrial Development

Commercial and Industrial Centers in Lancaster County should be located:

- Within the City of Lincoln or incorporated villages.
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
- Where urban services and infrastructure are available or planned for in the near term. In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
- In areas compatible with existing or planned residential uses.

- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
- So that they enhance entryways or public way corridors, when developing adjacent to these corridors.
- In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

Industrial Centers

Light Industrial

The Light Industrial category is for uses that have a minimal impact on surrounding properties. They could include lighter manufacturing uses with some additional office and retail uses located within the center, such as the Horizon Business Center located near 14th & Pine Lake Road south of Lincoln Southwest High School. Light industrial centers can be located more closely to residential uses than traditional industrial centers, though residential uses should be buffered through landscaping, setbacks, and transitional uses, such as office or open space.

Potential Large Employer Opportunity Areas

Listed below items to consider when looking at sites not currently shown on the Future Land Use map for Commercial or Industrial uses:

- The site must be annexed prior to development.
- City infrastructure and services, such as fire and police, should be available.
- The site should have direct access to an arterial street or highway to limit the impact on adjacent local streets. A traffic impact analysis may be required.
- Development of the site should have minimal impact on surrounding residences and sensitive environmental areas.

Policies Section

P12: Economic Growth - Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

Action Steps

1. Offer incentives for “primary” employers - that is, for companies where the majority of their business and sales come from outside Lancaster County.
2. Locate all new commercial and industrial development within Lincoln or within the smaller incorporated communities in Lancaster County. Certain commercial uses that are compatible with agriculture and the rural environment, such as commercial wind and solar energy facilities, are allowed in rural areas of the county.
3. Continue to coordinate the City’s economic development efforts with research and development functions of the University of Nebraska-Lincoln, including continued development of Innovation Campus. The success of the University’s research and development is important to the future of the city.
4. Continue to fund the Lincoln Partnership for Economic Development (LPED) and promote business retention, recruitment, and workforce development strategies and outcomes for the City of Lincoln through this public/private partnership.
5. Encourage public-private partnerships, strategic alliances, and collaborative efforts as a means to accomplish future economic objectives.
7. Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

P15: Infrastructure and Economic Development - Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

Action Steps

1. Continue to provide adequate sites with associated infrastructure to serve the community's economic development needs.
2. Continue the County's support for road improvements that accommodate commercial and other development within the smaller incorporated areas.
4. Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

P18: Conservation Design - Promote conservation design principles with both new growth and redevelopment projects.

Action Steps

1. Encourage conservation design principles as part of the development process. Developments that incorporate conservation design principles should be eligible for greater densities, height, lot, and area adjustments. Examples of conservation design best practices include:
 - a. Development setbacks beyond the minimum floodplain corridor in order to help preserve riparian habitat.
 - b. Land area within new developments that is designated specifically for trees and/or prairie.
 - c. Sustainable landscape design that includes native and drought-tolerant plantings, limited use of turf grass, rain gardens, bioswales, infiltration beds, and constructed wetlands.
 - d. Cluster subdivision design that protects flood-prone areas by grouping new development in less-sensitive areas within a subdivision while maintaining a high overall building density.
 - e. Dedication of a portion or all of a building's roof space as a green roof.
 - f. Minimizing disturbance of the natural topography on a development site.
2. Incorporate conservation design principles into public projects and development projects utilizing public funds (such as TIF) as appropriate.
3. Incorporate conservation design into new subdivisions with the initial steps of completing an inventory of existing and future land uses, natural resource evaluation, and a build out map. Utilize goals of the Lincoln Climate Plan as a guide for developing conservation design recommendations.
4. Promote development of conservation design standards of new subdivisions that maximize open space conservation and interconnected network of such open spaces while being sensitive to overall building density.
5. Develop project approaches which view stormwater as an asset, by working with the natural topography and using wetlands, floodplains, and natural drainage corridors as natural ways to manage flood flows and stormwater runoff.

P80: Annexation - Annexation should be utilized to provide municipal services in a fair and efficient manner.

The City of Lincoln requires that properties receiving municipal services be located within city limits. City annexation should occur before any property is provided with water, sanitary sewer, or other potential City services. In most cases this also means that annexation must occur prior to a property receiving an urban zoning designation. The City routinely annexes land at the request of a developer or landowner as part of the regular development process. This allows properties to be supplied with City services when they are needed, and the City benefits from the property taxes, utilities, and other fees that City residents pay. Some properties along the City's edge may not be interested in further development and thus will not request annexation. In some cases, it is necessary for the City to initiate annexation of adjacent properties that are already developed and require a minimal public investment to serve.

Action Steps

1. Regularly evaluate for potential annexation all property along the city's edge for which basic infrastructure is generally available or planned for in the near term. The City should annex land in Tier 1 Priorities A and B that is contiguous to city limits and generally urban in character. All land that is engulfed by the City should be annexed.
2. Provide advance notice to properties that may be subject to city-initiated annexation.
3. Properties within the Tier 1 Priority A growth area should be annexed upon approval of final plat.
4. Coordinate the provision of services for areas considered for annexation with the Capital Improvement Program.

UTILITIES & SERVICES

- A. **Sanitary Sewer:** The site will not have sanitary services provided by the city at this time, but will operate off a septic and lagoon system. In the future, sanitary sewer service will be extended south from West Denton Road, along Highway 77 to serve this area.
- B. **Water:** The site will not have city water available as it is not in close proximity to this area at the time. Water service for the development will utilize wells on site.
- C. **Roads:** The portion of South 14th Street abutting this property will be annexed with joint intersection improvements serving both this site and the Saltillo Express Business Park on the west side of South 14th Street including right and left turn lanes into the site.
- D. **Parks and Trails:** There are no current or future trails shown abutting this site.
- E. **Fire Protection:** The site will be served by the Lincoln Fire Department but will need to provide fire hydrants at the time of development as city water will not be available at the time of annexation. With the development of Phase 2 on the east side of the drainage way, an additional emergency access drive from Saltillo Road will be required by LFR for means of secondary access to the site.

ANALYSIS

1. This is a combined report for both Annexation #23002 and Change of Zone #23014 for the Jamaica North Business Park located on the east side of South 14th Street, north of Saltillo Road. This joint application is related to an associated Use Permit #23002 and Comprehensive Plan Amendment #23003 that were submitted with this project. This annexation totals approximately 57.5 acres and is currently abutting Wilderness Park on the east side, which is located within city limits. The requested change of zone is from AG, Agriculture and I-1, Industrial existing on the site today, to I-3, Employment Center for the entire site. The associated Use Permit proposes 29 individual lots and five outlots that will serve as drainage and floodplain mitigation. The Comprehensive Plan Amendment proposes to update the land use map to reflect both Industrial and Environmental Resources on this site.
2. The site currently abuts AG zoned property to the north, including one acreage property with much of the land to the north owned by the State of Nebraska Department of Transportation as a designated conservation area in relation to the construction of the South Belt Way project. The property abuts a portion of Wilderness Park on the east along with existing AG property used for farmland. The south side of the property borders the existing I-1 zoning, operated by the Magellan Pipeline Company. To the west across South 14th Street is existing AG zoning which is used for an outdoor landscaping business along with the proposed Saltillo Express Business Park and potential zoned H-4, Commercial. The Saltillo Express proposal received a recommendation of approval by the Planning Commission on April 5, 2023. The development on the west side of 14th Street can't be approved unless this development is also approved.
3. The site has a large amount of floodplain within the eastern half, with a portion of the east side along Wilderness Park designated by FEMA maps as floodway. The associated Use Permit accompanying the I-3 zoning request will then serve as the preliminary plat for the site, ensuring the review and approval is made for the proposed site layout, along with the approved grading and drainage plans and development within the floodplain. Within the Use Permit five outlots will be designated to serve as drainage and floodplain mitigation areas, including a 5-acre outlot abutting Wilderness Park that will be transferred to the City for the inclusion of the land and buffer to the park.
4. This site has an unusual circumstance as it is not within the current city limits today but has an existing 15 acres zoned I-1, Industrial. This has been in place since the 1960s as a large area along Saltillo Road between South 14th Street and Wilderness Park was rezoned to I-1 but never annexed. As a common practice followed today, the rezoning from AG to I-1, or a commercial or urban residential zoning would not be supported when the property will continue to be outside of the city limits. In this case, because a portion of the property has been zoned I-1 for over 50 years, it would not be required to be annexed and could develop by right following the I-1 zoning standards. This request will rezone the site to I-3, while ensuring it is within city limits and following an approved Use Permit which will allow for the review of site plans and ensure the development is meeting city standards.
5. At this time city water and sanitary sewer service are not expected to serve this general area in the near future. The applicant is aware and will acknowledge that both water and sanitary sewer service will not be provided to the site at this time within the annexation agreement. Within this agreement the applicant will be working with the

proposed and neighboring Saltillo Express Business Park on joint roadway improvements being made to the one access point on South 14th Street. This shared intersection will include turn lanes being added to the satisfaction of Lincoln Transportation and Utilities.

6. This property is located within the Rural Water District #1 and will be required to reimburse the District for its release from the District. This application is set to be heard at the May 10, 2023, Rural Water District meeting.
7. The subject property is located within the Southwest Rural Fire District. 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 will not be a required payment to the Southwest Rural Fire Department. After annexation Lincoln Fire Department will serve this development and was in support of the proposed annexation request and development. LFR is requesting an emergency access drive from Saltillo Road once the second phase of the Use Permit develops.
8. This area is currently designated as Tier 3, within the 2050 Comprehensive Plan Growth Tiers. The reasoning for this is due to the extension of city services to this area as it is not expected in the near future. The developer has requested to be annexed with the acknowledgement that no city water or sanitary sewer will be provided. This area between U.S. Highway 77 and Wilderness Park, along Saltillo Road has had much of the land area zoned I-1 and already allowed to develop under a city zoning designation, but not within the city limits. The Comprehensive Plan supports locating all non-residential zoning within city limits. In this case, the property will be annexed and rezoned, but ultimately reduce the amount of unannexed I-1 zoning existing today, with reviewed Use Permit that will address the development and floodplain on site. The proposed Use Permit and development on the site will address goals of the Comprehensive Plan with protecting environmentally sensitive areas by dedicating approximately 20.5 acres on the east side of the site for conservation and a wetland area, and 5 acres being transferred into Wilderness Park and will be managed by the city.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Farmland & AG, Agriculture / I-1, Industrial

SURROUNDING LAND USE & ZONING

North: Single family acreage / State of Nebraska Conservation Area	AG, Agriculture
South: Magellan Pipeline Company / Farmland	I-1, Industrial
East: Jamaica North Trail / Wilderness Park / Farmland	AG, Agriculture & I-1, Industrial
West: Outdoor Landscaping Company / Farmland	AG, Agriculture

APPROXIMATE LAND AREA: Annexation - Approximately 57.5 acres, more or less
Change of Zone - Approximately 55.26 acres, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: City Council District #2

LEGAL DESCRIPTION: See Attached

Prepared by Ben Callahan, Planner
(402) 441- or bcallahan@lincoln.ne.gov

Date: April 6, 2023

Applicant/
Owner FOG Limited Partnership
11101 N. 78th Street
Omaha, NE 68122
(402) 779-9833
cjguenzel@goupspring.com

Contact: Olsson Associates
Brad Marshall
601 P Street, Ste 200
Lincoln, NE 68508
(402) 474-6311
bmarshall@olsson.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/AN/23000/AN23002 C223014 Jamaica North Business Park.bmc .docx>

CONDITIONS OF APPROVAL - ANNEXATION #23002

Before the City Council approves the annexation:

The applicant signs an annexation agreement.

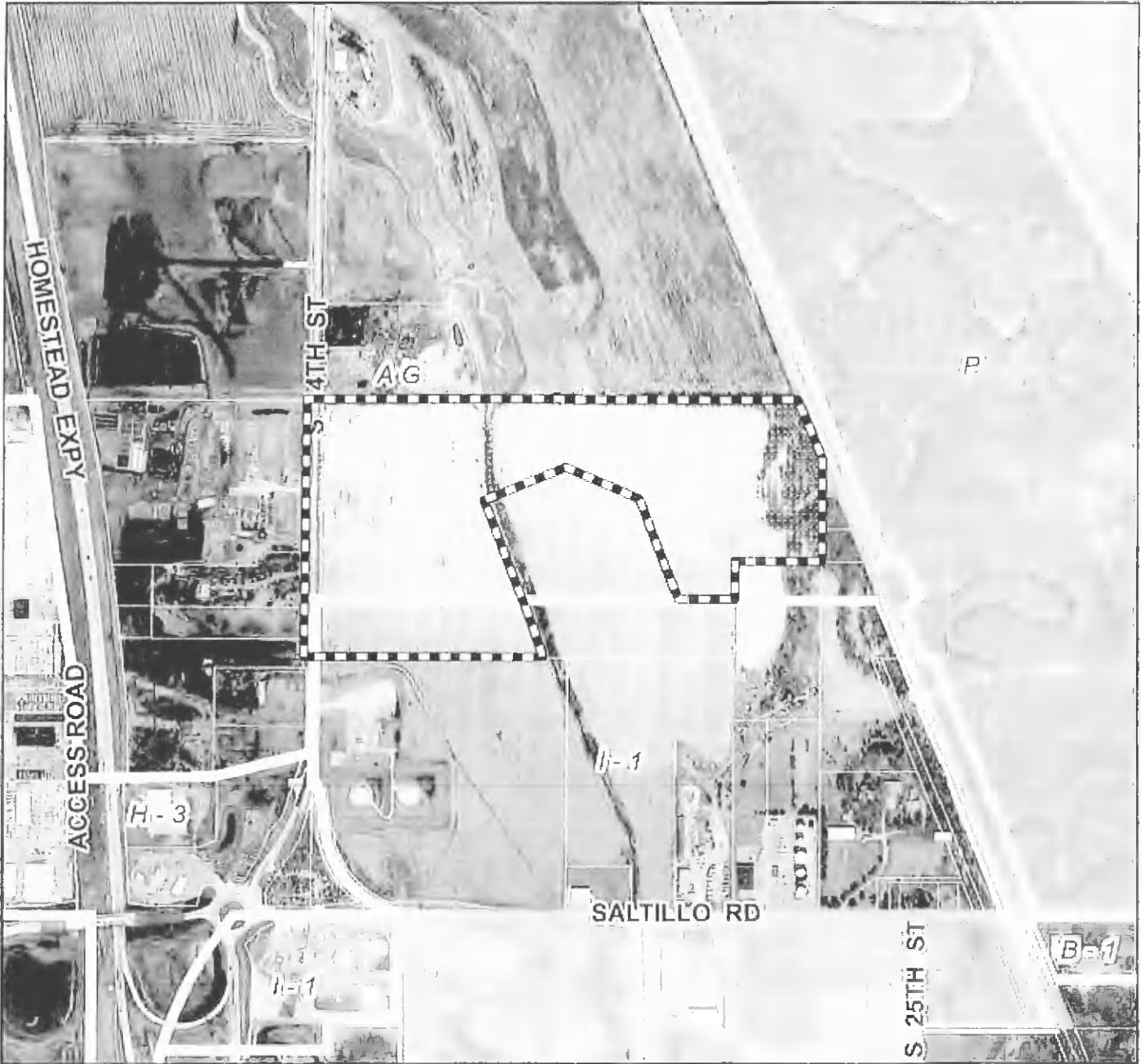
The Rural Water District indicates in writing that they have approved the release of the property.

CONDITIONS OF APPROVAL - CHANGE OF ZONE #23014

Site Specific Conditions:

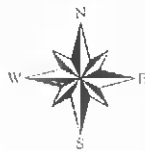
The Developer signs an annexation agreement before the City Council approves the change of zone.

The City Council approves associated request for Annexation #23002 and Comprehensive Plan Amendment #23003



Annexation #: AN23002
Jamaica North Business Park
S 14th St & Saltillo Rd




2022 aerial

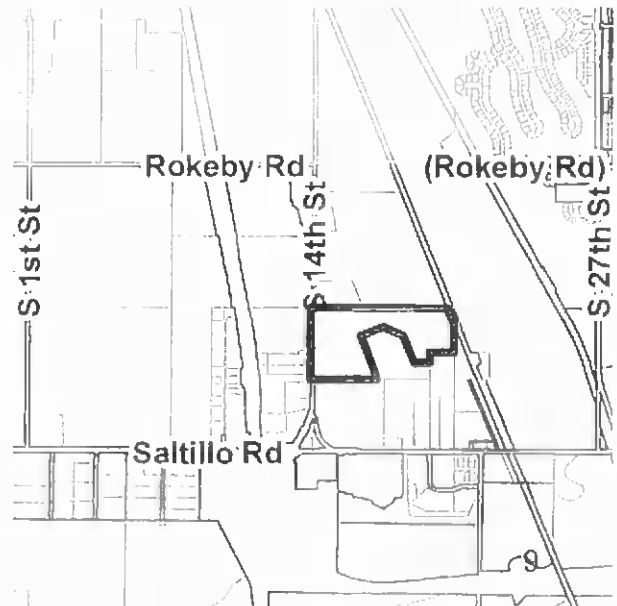


Two Square Miles:
 Sec. 36 T09N R06E
 Sec. 35 T09N R06E

Zoning:

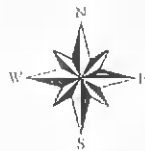
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

	Area of Application
	Zoning Jurisdiction Lines
	Existing Lincoln City Limits





**Change of Zone #: CZ23014
Jamaica North Business Park
S 14th St & Saltillo Rd**

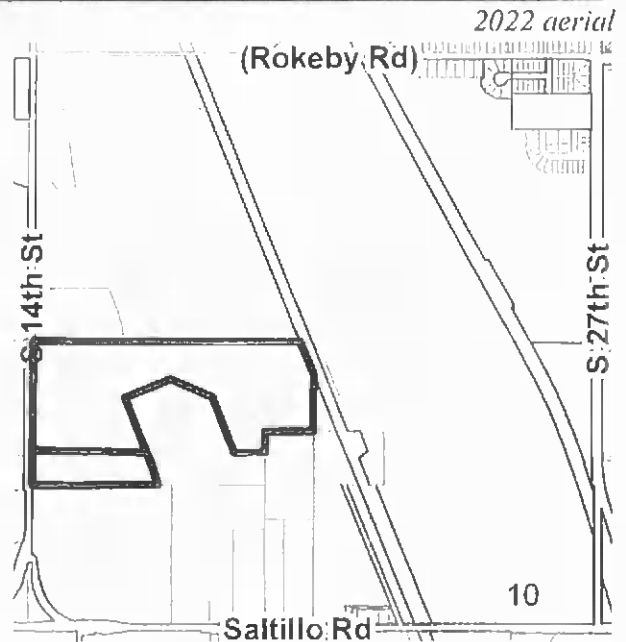


One Square Mile:
Sec. 36 T09N R06E

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

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction



LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND A PORTION OF LOT 49 I.T., LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA; THENCE S89°47'57"E, ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 33.00' TO THE TRUE POINT OF BEGINNING; THENCE, CONTINUING, S89°47'57"E ON SAID LINE, AND ON THE NORTHLINE OF SAID LOT 49 I.T., A DISTANCE OF 2,470.67' TO A POINT; THENCE S22°20'02"E, ON AN EAST LINE OF SAID LOT 49 I.T., SAID LINE BEING A WEST RIGHT-OF-WAY LINE OF THE FORMER UNION PACIFIC RAILROAD, A DISTANCE OF 325.06' TO A POINT; THENCE S00°09'53"W, ON AN EAST LINE OF SAID LOT 49 I.T., A DISTANCE OF 526.87' TO A POINT; THENCE N89°49'23"W, ON A SOUTH LINE OF SAID LOT 49 I.T., A DISTANCE OF 450.05' TO A POINT; THENCE S00°07'54"W, ON AN EAST LINE OF SAID LOT 49 I.T., A DISTANCE OF 196.65' TO A POINT; THENCE N89°51'41"W, A DISTANCE OF 288.37' TO A POINT; THENCE N21°46'50"W, A DISTANCE OF 549.82' TO A POINT; THENCE N66°46'50"W, A DISTANCE OF 420.84' TO A POINT; THENCE S68°13'10"W, A DISTANCE OF 456.55' TO A POINT; THENCE S21°46'50"E, A DISTANCE OF 650.64' TO A POINT; THENCE S18°15'42"E, A DISTANCE OF 211.85' TO A POINT; THENCE N89°51'22"W, ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1158.75' TO A POINT; THENCE N00°31'01"E, ON A LINE 33' EAST AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1,326.31' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 2,407,255.64 SQUARE FEET OR 55.26 ACRES, MORE OR LESS.

FEBRUARY 24, 2023

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LEGAL DESCRIPTION

AG TO I-3

A TRACT OF LAND COMPOSED OF A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND A PORTION OF LOT 49 I.T., LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER ALL IN SECTION 36, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA; THENCE S89°47'57"E, ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 33.00' TO THE TRUE POINT OF BEGINNING; THENCE, CONTINUING, S89°47'57"E ON SAID LINE, AND ON THE NORTH LINE OF SAID LOT 49 I.T., A DISTANCE OF 2,470.67' TO A POINT; THENCE S22°20'02"E, ON AN EAST LINE OF SAID LOT 49 I.T., SAID LINE BEING A WEST RIGHT-OF-WAY LINE OF THE FORMER UNION PACIFIC RAILROAD, A DISTANCE OF 325.06' TO A POINT; THENCE S00°09'53"W, ON AN EAST LINE OF SAID LOT 49 I.T., A DISTANCE OF 526.87' TO A POINT; THENCE N89°49'23"W, ON A SOUTH LINE OF SAID LOT 49 I.T., A DISTANCE OF 450.05' TO A POINT; THENCE S00°09'48"W, ON AN EAST LINE OF SAID LOT 49 I.T., A DISTANCE OF 196.65' TO A POINT; THENCE N89°51'41"W, ON THE APPROXIMATE COMMON LINE BETWEEN THE AG AND I-3 ZONING DISTRICT A DISTANCE OF 288.26' TO A POINT; THENCE N21°46'50"W, A DISTANCE OF 549.82' TO A POINT; THENCE N66°46'50"W, A DISTANCE OF 420.84' TO A POINT; THENCE S68°13'10"W, A DISTANCE OF 456.55' TO A POINT; THENCE S21°46'50"E, A DISTANCE OF 543.95' TO A POINT; THENCE N89°51'41"W, ON THE APPROXIMATE COMMON LINE BETWEEN THE AG AND I-3 ZONING DISTRICT, A DISTANCE OF 1,050.17' TO A POINT; THENCE N00°31'01"E, ON A LINE 33' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1,026.30'; TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 2,075,369.11 SQUARE FEET OR 47.64 ACRES, MORE OR LESS.

TOGETHER WITH

I-1 TO I-3

A TRACT OF LAND COMPOSED OF A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, LOCATED IN SECTION 36, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA; THENCE S89°47'57"E, ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 33.00' TO A POINT; THENCE S00°31'01"W, ON A LINE 33' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1,026.30 TO

THE TRUE POINT OF BEGINNING; THENCE S89°51'41"E, ON THE APPROXIMATE COMMON LINE BETWEEN THE AG AND I-3 ZONING DISTRICT, A DISTANCE OF 1,050.17' TO A POINT; THENCE S21°46'50"E, A DISTANCE OF 106.69' TO A POINT; THENCE S18°15'42"E, A DISTANCE OF 211.55' TO A POINT; THENCE N89°52'32"W, ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1,158.75' TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE N00°30'58"E, ON A LINE 33' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 300.00'; TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 331,877.92 SQUARE FEET OR 7.62 ACRES, MORE OR LESS.

FOR A COMBINED TOTAL CALCULATED AREA OF 2,407,247.03 SQUARE FEET OR 55.26 ACRES, MORE OR LESS

APRIL 4, 2023
F:\2021\07001-07500\021-07479\40-DESIGN\SURVEY\SRVY\DESCRIPTION\COZ LEGAL AG TO I-3.DOCX



SEACREST & KALKOWSKI, PC, LLO

KBNT@SK-LAW.COM | DANAY@SK-LAW.COM

April 19, 2023

Updated Submittal Letter

Mr. David Carey, Director
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Jamaica North Business Park

Dear David:

This letter is an update to the original Jamaica North Business Park submittal letter to you dated February 22, 2023. Our law firm represents FOG Limited Partnership (“**FOG**”), owner of the following real estate (“**FOG Property**”):

Northwest Quarter of the Southwest Quarter and Lot 49 of Irregular Tracts in the Southwest Quarter of Section 36, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, 73.5 acres, more or less

The FOG Property is outlined in red on the attached vicinity map (Figure 1). CJ Guenzel is the lead partner for FOG Limited Partnership. The FOG Property is approximately 73.5 acres in size and is located on the east side of S. 14th Street and one quarter mile to one half mile north of Saltillo Road (immediately north of Magellan Pipeline Company facility).

For the last two years, FOG has been working on a master plan of the FOG Property and exploring land use and infrastructure coordination with our abutting neighbors. Attached, please find a copy of the master plan (Figure 2) for the FOG Property and surrounding areas. In addition, we are enclosing a Site Plan (Figure 3) for the FOG Property that shows approximately 28 platted business park lots, approximately 1 to 2 acres in size.

A. Two Natural Resource Proposals:

More recently, FOG has been meeting and communicating with the Planning Department and the Friends of Wilderness Park regarding two exciting natural resource proposals:

- a. FOG enhancing 17.5 +/- acres (Outlot A) under the legal protection of a conservation easement with 50 feet wide surrounding buffers. Outlot A would be regraded and enhanced as wetlands with the possibility of creating a potential wetland bank. The wetlands will have a variety of wetlands, including emergent and forested.
- b. FOG gifting and transferring to the City the approximate eastern 5 +/- acres (Outlot B) of the FOG Property that abuts Wilderness Park. Said acres are comprised of valued woodlands and a former Salt Creek oxbow area and should be considered as an addition to Wilderness Park, while allowing future proper drainage of the proposed Outlot A described above.

B. Governmental Requests:

In addition to the above two natural resource proposals, this submittal letter transmits the applicable land use applications, application fees and support documents regarding the Jamacia North Business Park:

1. Annexation:
The current City Municipal Boundary is located immediately west of Wilderness Park and abuts the east edge of the FOG Property. See the attached Vicinity Map of the City Municipal Boundary (Figure 4). FOG seeks to annex the FOG Property in multiple phases as shown on Figure 3: (i) the first annexation phase would include the proposed location of the final platted commercial lots west of the north/south drainageway and Outlots A through E; and (ii) the future annexations phase(s) would include the final platted commercial lots east of the north/south drainageway. The phases of Annexation would be defined in the Conditional Annexation and Zoning Agreement described below.
2. I-3 Employment Center Rezoning of the North Portion of the FOG Property:
Currently, the south 300 feet (approximately) of the FOG Property is zoned I-1 Industrial District, while the remaining northern portion of the FOG Property is zoned AG Agricultural District. FOG seeks to rezone the entire FOG Property to I-3 Employment Center. The I-3 zoning does not allow the "dirtier" I-1 industrial land uses.
3. I-3 Use Permit (including Preliminary Plat):
The requested I-3 zone also requires the adoption of a Use Permit. Chapter 27.64 of the Lincoln Municipal Code provides additional protections for neighbors and Wilderness Park. The Use Permit requires additional review and many additional requirements. Specifically:
 - The Use Permit requires site plan review and approval by the Planning Commission and City Council. Any subsequent changes to the site plan requires the amendments to also be reviewed for governmental approval.
 - A preliminary plat is also part of the Use Permit and shows the future subdivision of FOG Property and dedication of city streets.

- FOG is submitting an updated Traffic Impact Study, dated April 2023 showing a minimum impact to the City's transportation network. The Traffic Impact Study includes analysis of both the Jamaica North Business Park development located upon the FOG Property and the proposed Saltillo Express Business Park located on the west side of S. 14th Street and across S. 14th Street from the FOG Property. The Traffic Impact Study recommends adding both left turn lanes and right turn lanes be constructed in S. 14th Street at the proposed S. 14th Street entrances into both development projects..
- The Use Permit includes updated grading and floodwater protection plans. The grading and floodwater protection plans exceeds the city's current floodplain standards and shows enhancements in the following ways:
 - The proposed AG to I-3 zoning area is located within the City's New Growth Areas. Thus, this I-3 proposed zoning area is required to meet both (i) no net rise and (ii) no net loss of flood storage. In addition, FOG's grading plan and drainage study shows that no net loss of flood storage can also be achieved within the current I-1 zone area which is defined as an Existing Urban Area which is not required to meet the higher New Growth Area standards. The City Watershed staff have reviewed the preliminary drainage calculations and has determined that a rise behind the Cool Runnings Road drainage crossing is permitted to raise the flood elevations to reduce the required public culvert crossings.
 - The newly adopted City Minimum Flood Corridor outlines a minimum open space width of 102 feet for the FOG Property. In addition, FOG is willing to extend this wider Minimum Flood Corridor between the south edge of the FOG Property and the Saltillo Road right-of way. Thus, the Master Plan shows a larger Minimum Flood Corridor width, averaging over 135 feet from Saltillo Road to the north boundary of the FOG Property.
 - Together, these extra stormwater enhancements will help improve the risk of downstream flooding to north properties and to Wilderness Park.
- Compliance with the city's environmental performance standards relating to light, noise, emission, dust, odor glare and heat. In particular, lighting will be properly shielded to help minimize light pollution with wildlife and the Wilderness Park ecosystem.
- No galvanized or other raw metal sheeting for exterior building construction is permitted. Painted galvanized or other painted metal sheeting visible from an abutting public street must be 70% or less of the exterior building construction.
- Five outlots are shown on the Site Plan (Figure 3): Outlot A is the proposed 17.5 +/- acres of emergent and forested wetlands; Outlot B is the proposed 5 +/-

acres to be gifted to the City as an addition to Wilderness Park; Outlot C is the proposed lagoon; and Outlots D and E are the north-south drainageway.

- Accessory uses involving the open storage of materials or other articles is only allowed in areas enclosed or otherwise adequately screened from public view with an enclosure or screen at least six feet in height.

4. Conditional Annexation and Zoning Agreement:

In order to accomplish the annexation and change of zone objectives described above, the governmental approvals will also include the execution of a Conditional Annexation and Zoning Agreement between FOG and the City. City Staff have traded drafts of the Conditional Annexation and Zoning Agreement. The draft Agreement is addressing the following:

- S. 14th Street Improvements:
 - i. *Proposed location for S. 14th Street access at approximate ¼ mile per Access Management Policy.*
 - ii. *Traffic Impact Study—Category II traffic study for S. 14th Street (includes connection and potential development on west side of S. 14th Street).*
 - iii. *S. 14th Street left and right turn lanes recommended at new street connection.*
- Water-fire protection:
 - i. *Onsite Water System:*
 1. *Community system to allow future city water connections*
 2. *Multiple high-capacity wells to provide domestic and fire protection*
 3. *Hydrants will be provided per City standards to provide fire protection*

The Conditional Annexation and Zoning Agreement will also need to include a covenant that until City public water system is available in the future, only permitted well water system regulated by the County-City Health Department will be approved. In other words, FOG and its subsequent lot owners will not be allowed to request the City to provide City water services to the FOG Property.

- Sewage:
 - i. *Onsite Wastewater Treatment:*
 1. *Community system with piping to allow future city sewer connections*
 2. *Piping system will be lifted into Lagoon System*

Similarly, the Conditional Annexation and Zoning Agreement will need to include a covenant that until City sanitary sewer service is available in the future, only permitted community or individual wastewater systems will be allowed by the County-City Health Department. Again, FOG and its subsequent lot owners will not be allowed to request the City to provide City sanitary sewer services to the FOG Property.

- **Additional Emergency Vehicle Access:** A condition of the annexation of the Phase 2 area, the Redeveloper will provide an additional secondary emergency vehicle drive access and easement to the Phase 2 lots from Saltillo Road as generally shown on the Site Plan (Figure 2).
- The FOG Property is located within the Rural Water District #1; thus FOG will need to reimburse the District for its bond indebtedness as part of the Conditional Annexation and Zoning Agreement. FOG has sent its application and check to the Rural Water District #1.
- Similarly, the FOG Property is located within the Southwest Rural Fire District. FOG will need to reimburse the District for any related costs as part of the Conditional Annexation and Zoning Agreement.

5. Comprehensive Plan Amendment:

Currently, the Future Land Use Plan (Figure GF.b: Future Land Use Plan) contained in the PlanForward, Lincoln-Lancaster County 2050 Comprehensive Plan (“**Comprehensive Plan**”) shows the FOG Property as Agriculture, Agricultural Stream Corridor, and Environmental Resources. FOG requests a Comprehensive Plan Amendment to amend the Future Land Use Plan to show the FOG Property as Environmental Resources and Industrial as shown on the attached Comprehensive Plan Amendment Map (Figure 5).

6. Waivers:

- Stormwater quantity detention
- Block Length for Blocks 1-6
- Sanitary Sewer running opposite of street grade

C. Neighborhood and City Review and Discussions:

On February 15th, FOG held a neighborhood meeting at Adams Elementary School with the surrounding neighbors, Friends of Wilderness Park and other interested stakeholders. At the neighborhood meeting, we reviewed the proposed Master Plan and Site Plan. We also had conversations with City Staff and Friends of Wilderness Park representatives and will be requesting an additional follow-up meeting. FOG appreciates the suggestions that the City and Friends of Wilderness Park have offered to date and have incorporated a comprehensive and balanced set of suggestions.

D. Submittal Materials:

The following documents are submitted as part of this submittal:


- A. A combined City Application Form for the requested Annexation, Change of Zone, I-3 Use Permit, and Comprehensive Plan Amendment (submitted on February 22, 2023);

- B. Application fee(s) in the amount of \$6,353.00 (Change of Zone-\$1,056, Use permit of \$1,056 plus \$177.00 per acre with a maximum per acre (\$3,295) fee of \$4,857.00. Comprehensive Plan Amendment-\$440) (submitted on February 22, 2023);
- C. Updated Traffic Impact Study;
- D. Updated Site Plan, General Note Plan, Grading/Drainage Plan and Street Profiles; and
- E. Updated Drainage Study including Floodplain and water quality improvements.

Brad Marshall with Olsson as FOG's civil engineer will upload the necessary submittal documents into ProjectDox once notified.

On behalf of FOG, we look forward to continuing to work with the city, neighbors, Friends of Wilderness Park, and other stakeholders as the process moves through the review and approval stages. Please call Brad Marshall or me if you have any questions regarding the above requests or the documents enclosed herein.

Very truly yours,



KENT SEACREST
For the Firm

Enclosures

cc:

CJ Guenzel, FOG Limited Partnership
 Brad Marshall, Olsson
 Benjamin Callahan, Planning Department
 Steve Henrichsen, Planning Department
 Councilperson Michelle Suarez
 Rick Krueger, Krueger Development
 Christina Melgoza, Krueger Development
 Mike Eckert, Civil Design Group
 Dan Carpenter, Transportation & Utilities Department
 Janet Hayes, Mayor Assistance, Economic Development Specialist
 David McClintock, Transportation & Utilities Department
 Tim Zach, Transportation & Utilities Department, Watershed Division
 Maggie Stuckey-Ross, Director, Parks & Recreation Department
 JJ Yost, Parks and Recreation Department
 Adam Hintz, Executive Director, Friends of Wilderness Park
 Nichole Fleck-Tooze, Executive Director, Solidago Conservancy
 Foster Collins, Friends of Wilderness Park Board Member
 Travis Jensen, Solidago Conservancy
 Jason Ball, President, Lincoln Chamber of Commerce
 Luke Peltz, Lincoln Partnership for Economic Development

Updated Jamaica North Master Plan
Figure 2

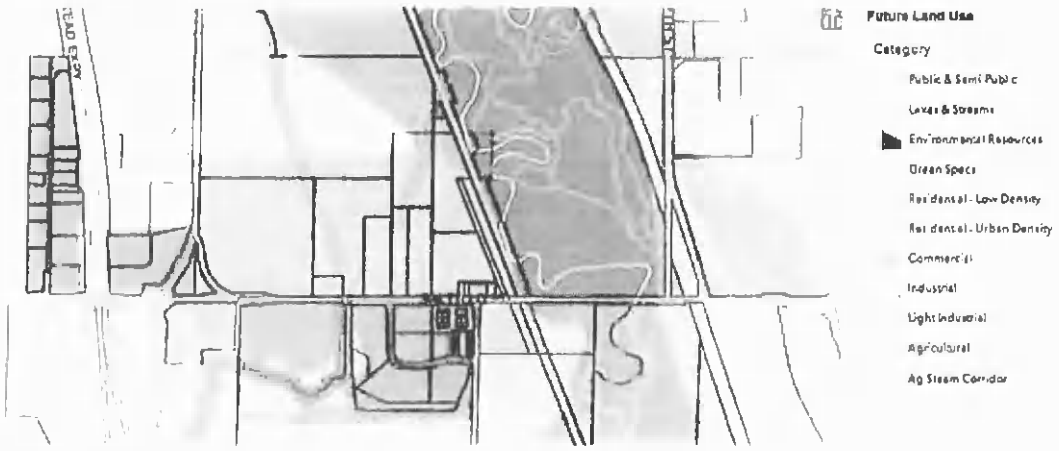


Vicinity Map of the City Municipal Boundary
Figure 4

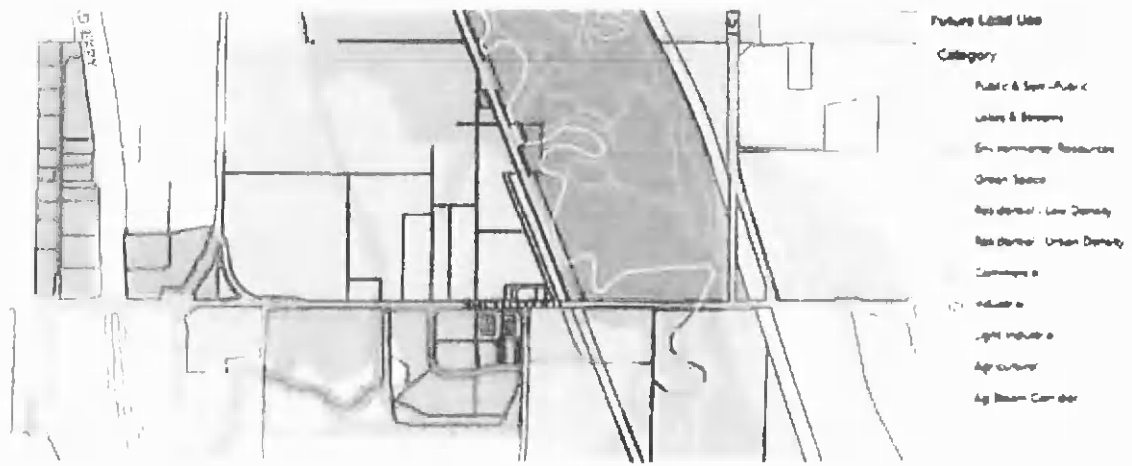


Updated Comprehensive Plan Amendment
 Current Comprehensive Plan
 Figure 5

Current Future Land Use Plan



Proposed Future Land Use Plan Amendment



ANNEXATION 23002, CHANGE OF ZONE 23014, USE PERMIT 23002 AND COMPREHENSIVE PLAN AMENDMENT 23003

COMPREHENSIVE PLAN AMENDMENT 23003
TO REVIEW AS TO CONFORMANCE WITH THE 2050 LINCOLN -LANCASTER COUNTY
COMPREHENSIVE PLAN TO REVISE THE FUTURE LAND USE MAP FROM AGRICULTURE, AG
STREAM CORRIDOR, INDUSTRIAL, AND ENVIRONMENTAL RESOURCES, TO ONLY INDUSTRIAL
AND ENVIRONMENTAL RESOURVES, AND TO UPDATE THE GROWTH TIER MAP, IN RELATION
TO THE USE PERMIT FOR JAMAICA NORTH BUSINESS PARK
AND
ANNEXATION 23002
ANNEXATION OF APPROXIMATELY 55.26 ACRES, MORE OR LESS WITH A CHANGE OF ZONE
AND USE PERMIT FOR 29 BUSINESS PARK LOTS
AND
CHANGE OF ZONE 23014
FROM BOTH AG (AGRICULTURAL DISTRICT) AND I-1 (INDUSTRIAL) TO I-3 (EMPLOYMENT
CENTER DISTRICT) ASSOCIATED WITH A USE PERMIT SUBMITTED FOR THE JAMAICA NORTH
BUSINESS PARK, TOTALING APPROXIMATELY 73.48 ACRES, MORE OR LESS
AND
USE PERMIT 23002
FOR THE JAMAICA NORTH BUSINESS PARK USE PERMIT TOTALING APPROXIMATELY 73.48
ACRES, MORE OR LESS FOR UP TO 29 LOTS ASSOCIATED I-3 (EMPLOYMENT CENTER DISTRICT)
WITH ASSOCIATED WAIVERS TO THE BLOCK LENGTH, SANITARY SEWER AND MANHOLE
DEPTH, INTERSECTION DESIGN STANDARDS, AND STORMWATER QUANTITY DETENTION

BEFORE PLANNING COMMISSON:

May 17, 2023

Clerk noted a staff memo dated May 11, 2023, was submitted to Planning Commission members identifying additional comments to the Conditions of Approval as agreed upon by staff and applicant.

Members present: Ball, Campbell, Cruz, Eddins, Joy, Rodenburg, and Edgerton; Corr and Ryman Yost absent.

<u>Staff Recommendation:</u>	Comprehensive Plan Amendment 23003	Approval
	Annexation 23002	Conditional Approval
	Change of Zone 23014	Conditional Approval
	Use Permit 23002	Conditional Approval

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

Staff Presentation:

Ben Callahan, Planning Department, 555 South 10th Street, Lincoln, NE, came forward to discuss that all four applications are all relating to the same property. The request of Annexation is approximately 55 acres and a Change of Zone for the total site of 73 acres. Callahan stated that the proposed Use Permit is to be done in two stages. The I-3 zoning will include 29 individual lots with one access point. This will be built into the Annexation agreement with Saltillo Express. One of the main aspects of this development is that part of it has been in a flood plain. The developers have worked with Watershed to determine what changes need to be made to make this successful. The Comprehensive Plan Amendment will be updated just to Industrial to the areas that are being shown for development and increasing the environmental resources area.

Edgerton asked if connecting to city services is possible in the near future since it is not currently possible on this site. Callahan stated that there is not a time frame, but part of the Annexation agreement is to provide their own sanitary sewer and water.

Campbell asked why there is a notch by the drainage area. Callahan stated that it is not able to be developed until later time and that it will be a Phase 2 with a secondary access to the site. Campbell asked if the secondary access will be in the way of the drainage basin area. Callahan clarified that it would follow down the east side of the drainage.

Edgerton confirmed that by going from I-1 to and I-3, with the agreement in place, is providing protections that are not currently in place because of the I-1 designation and things could be developed right now. Callahan stated that is correct, the south side of the site would not have to be annexed to be developed.

Applicant Testimony:

Kent Seacrest, Seacrest & Kalkowski, 1128 Lincoln Mall, Suite 105, Lincoln, NE came forward and provided the background of the owners, property, and the process with the Planning Department. Seacrest worked with many different departments, neighbors, developers, and many more to look at everything that would work with the Master Plan Process. There was a neighborhood meeting that was well received by everyone. Seacrest stated that there is a 20+ acre out lot that they are preserving and wanting to turn into a wetland bank. Seacrest stated that they are also donating 5 acres to the city for preserving without change. Seacrest stated that this project is a lot like the Horizon Business Park Project by Southwest High School.

Brad Marshall, Olsson, 601 P Street, Lincoln, NE came forward and stated that this project has been viewed for almost a year. Marshall is confident that there is a good plan for the use of this property. The question about the sewer (which is by the Casino) has been looked at and there is

a high cost in getting it to this property due to the distance. With that in mind, they did move forward with the plan of a lagoon that will be in appropriate size for the development. Marshall stated that local drainage is just as important as the flood plain map. This area has an existing flood plain and by building it will reduce the flood plain. The owners of the property also own the property to the south. Marshall stated that they do not have to meet the standards, but they are checking as many boxes as they can to assure that the water flow would not be an issue. At the north end of the channel, it will disperse the water in the flows of the direction that it historically has gone. Marshall stated that they are maintaining the flow of water and not increasing. Marshall stated that there is a waiver for the detention of the water, and they are still creating flood storage in the development that is not increasing the flood flow onto the adjacent property. Marshall stated that a traffic study was also done with the recommendations of a connectivity to 14th Street with turn lanes. These efforts have been coordinated with the Saltillo Express Business Park and will align with the building of the turn lanes at the same time. Marshall displayed documents on the overhead for the Planning Commission Members (Exhibit 2).

Rodenburg asked if the 6 acres that is to be deeded to the city for the wetland park is something that the Parks Department is willing to accept. Seacrest stated that they have been in contact with Parks and Rec and the whole purpose is all natural so there will not be much maintenance needed.

Eddins asked about drinking water available or if well water will be needed on that property. Seacrest stated that this is in a good area of water. Historically, there was a well on the property and it has been very successful in the past. Marshall stated that they are creating a dual system to have water available for hydrants and for domestic usage. This will still need to go through the process with the Department of Health and Human Services

Campbell appreciates the comment with the comparison to the Horizon Building Complex. Campbell asked if the lots are a comparison to the lots on 56th and Old Cheney, Seacrest stated that is a good comparison in the lots with the location of trade facilities.

Rodenburg mentioned if the new flood plain regulations could possibly be affecting this property. Seacrest stated that they are grandfathered in, but there are several standards that they are completing and even over completing on a case-by-case basis as required. Marshall stated that as the new data is being looked at with the old data they are finding ways to work with everyone on it.

Edgerton asked if there were any conditions on the use permit that would cause a pause or a hesitation moving forward? Seacrest stated yes, but that this is a whole package and that is what makes it work.

Proponents:

No one came forward in support.

Neutral:

Adam Hintz, Friends of Wilderness Park, 1919 Prospect Street, Lincoln, NE came forward on behalf of the neutral position of the Friends of Wilderness Park. Hintz is happy to report that their concerns have been addressed through meetings, emails and listening to their suggestions. Hintz noted that this site was part of area 12 from the 1999 Wilderness Park Study (Exhibit 3). Hintz stated that this is a beautiful piece of land and there has been much improvement over the past year with the learning and the process of proceeding forward. Hintz stated that this process should be a model used going forward. Every action and step have been addressed with making the future look brighter.

Rodenburg wanted to thank Hintz and the Friends of Wilderness Park. Rodenburg asked Hintz why he is testifying as neutral when he is so positive about this project. Hintz stated that he is neutral because there are so many members (approximately 1000 members) and that to be 100% in support is not a correct statement.

Rosina Paolini, 1850 Dakota Street, Lincoln, NE came forward and stated this is a whole different picture of what was presented a year ago. Paolini stated her only reservation is the containment of the toxic stuff and the animals around it. Paolini said a thought to consider is that as Wilderness Park is encroached, then all the animals will come into the city.

Opposition:

No came forward in opposition.

Staff Questions:

There were no staff questions.

Campbell moved to close public hearing for Comprehensive Plan Amendment 23003, seconded by Eddins and carried 7-0: Ball, Campbell, Cruz, Eddins, Joy, Rodenburg, and Edgerton voting 'yes'; Corr and Ryman Yost absent.

COMPREHENSIVE PLAN AMENDMENT 23003

ACTION BY PLANNING COMMISSION:

May 17, 2023

Eddins moved to approve Comprehensive Plan Amendment 23003, seconded by Campbell.

Campbell stated that this has been put together very well. There is no question that small business industrial is needed in the south side of Lincoln. This area is very heavy traveled in business, and it proves the need for the south side of Lincoln.

Eddins stated that she will support this project and applauds the Friends of Wilderness Park and that this is being done smartly with preserving the green space in Lincoln.

Edgerton stated that she will be supporting this exciting project.

Motion carried 7-0: Ball, Campbell, Cruz, Eddins, Joy, Rodenburg, and Edgerton voting 'yes'; Corr and Ryman Yost absent.

ANNEXATION 23002

ACTION BY PLANNING COMMISSION:

May 17, 2023

Eddins moved to approve Annexation 23002, seconded by Campbell.

Motion carried 7-0: Ball, Campbell, Cruz, Eddins, Joy, Rodenburg, and Edgerton voting 'yes'; Corr and Ryman Yost absent.

CHANGE OF ZONE 23014

ACTION BY PLANNING COMMISSION:

May 17, 2023

Eddins moved to approve Change of Zone 23014, seconded by Campbell

Motion carried 7-0: Ball, Campbell, Cruz, Eddins, Joy, Rodenburg, and Edgerton voting 'yes'; Corr and Ryman Yost absent.

USE PERMIT 23002

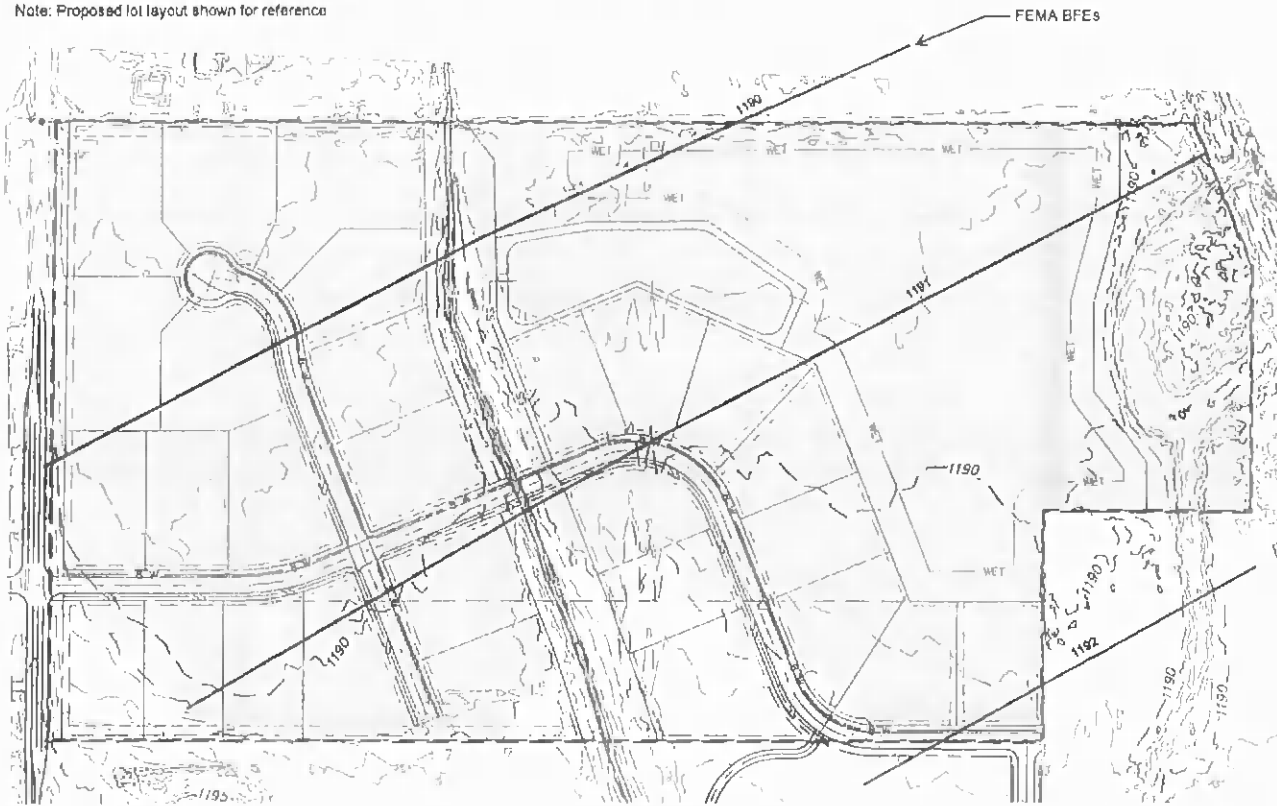
ACTION BY PLANNING COMMISSION:

May 17, 2023

Eddins moved to approve Use Permit 23002, seconded by Campbell

Motion carried 7-0: Ball, Campbell, Cruz, Eddins, Joy, Rodenburg, and Edgerton voting 'yes'; Corr and Ryman Yost absent.

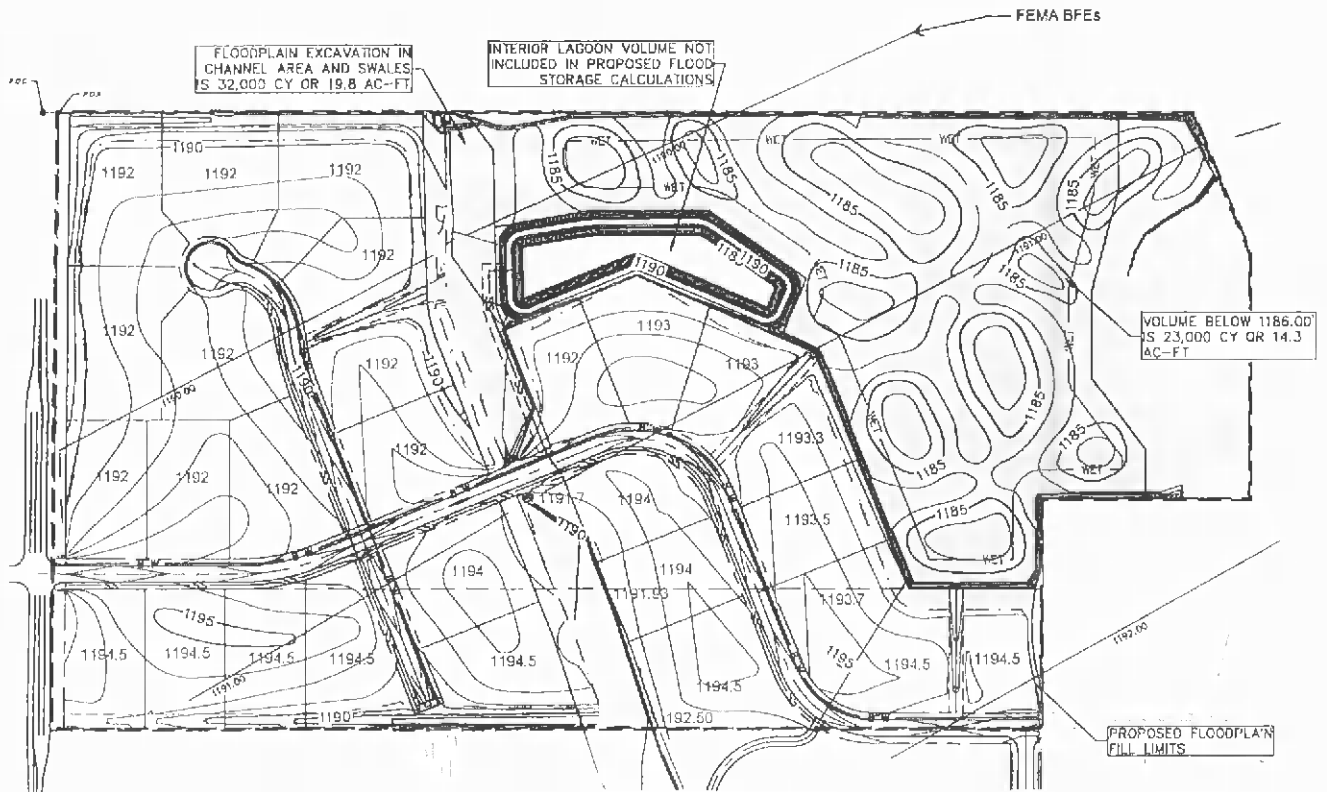
Note: Proposed lot layout shown for reference



FLOODPLAIN SUMMARY

Figure 5

Name	2d Area	Storage
EXISTING FLOODPLAIN VOLUME	2902327.17 SQ. FT.	95.7 AC-FT



Cut/Fill Summary

Name	2d Area	TOTAL VOLUME	CHANNEL/SWALES	WETLANDS BELOW 1186.00'	NET STORAGE
PROPOSED FLOODPLAIN VOLUME	1394606.59 Sq. Ft.	134.3 AC-FT	-19.8 AC-FT	-14.3 AC-FT	100.2 AC-FT

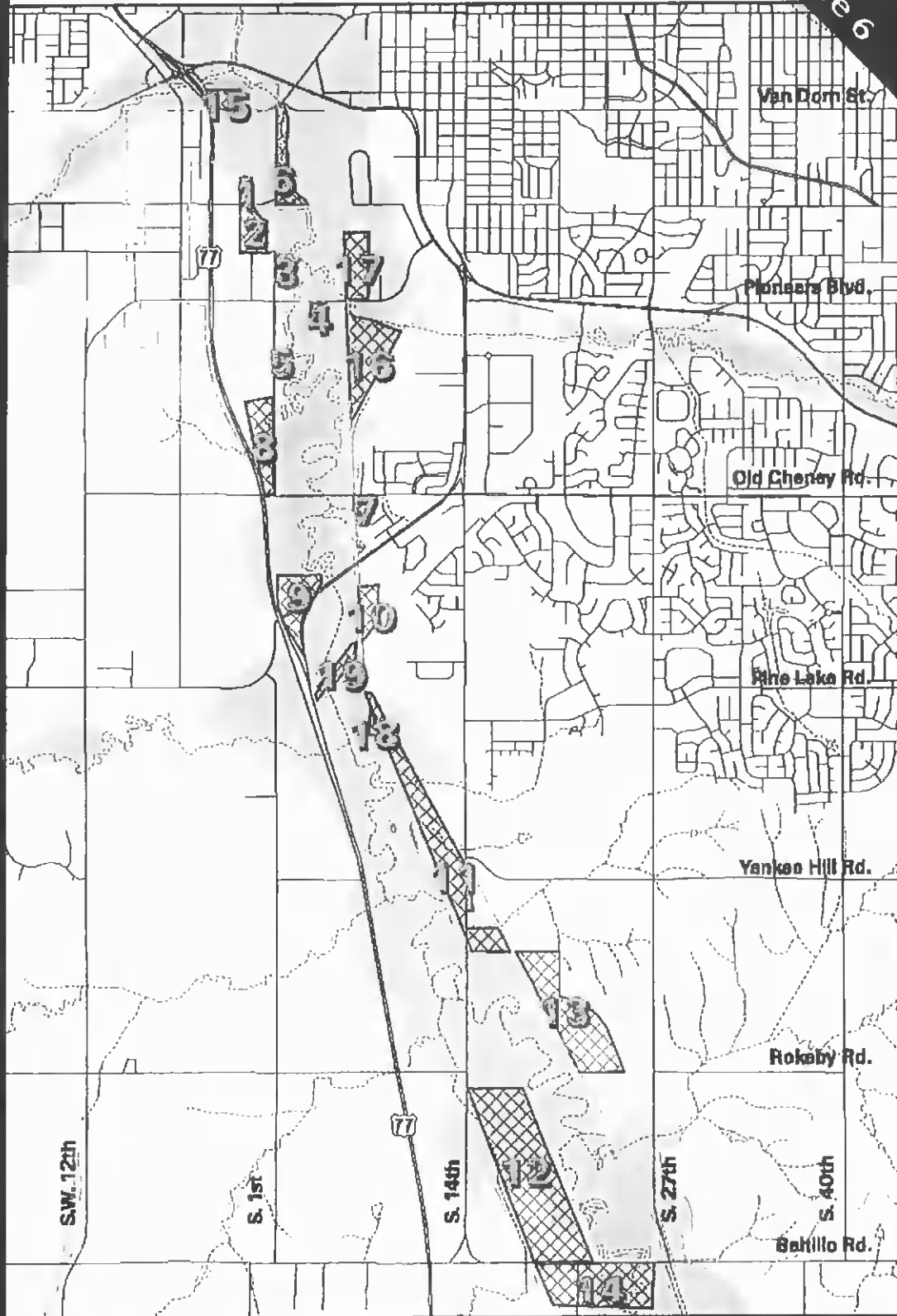
Low Finished Floor = Highest Adjacent Flood Elevation + 2 Feet

Figure 6

Wilderness Park Study

Potential Areas of Acquisition or Management
(Source: EA Ecosystem Report, January 1999)

1 inch equals 2750 ft
Figure 6



Map Items

- Park Boundary
- Streams
- Streets
- Future Svc. Ljm.

Flood Plain Areas

- Floodway
- 100 Year Flood Plain
- 500 Year Flood Plain

Map Purpose and Overview

This map displays areas adjacent to Wilderness Park that were identified by EA for potential acquisition or other land management considerations. These areas could serve as physical buffers for encroachment on Park grounds, transitional areas for species diversity and softening of Park boundaries, and as a buffer area for surface water sheet flows. Management techniques can include purchase of conservation easements or use of other management agreements with adjacent properties.

Legend

PLANNING

From: OpenForms <noreply@openforms.com>
Sent: Wednesday, May 17, 2023 7:45 AM
To: Brenda J. Thomas
Subject: PC Public Record Comment
Attachments: SubmissionReceipt-PlanningCommissionPublicRecordComment-450.pdf



PC Public Record Comment

Name: Adam Hintz
Email: friendsofwildernesspark@gmail.com
Home Address: 1919 Prospect Street
Application Number or Project Name:
COMPREHENSIVE PLAN AMENDMENT 23003

Your Position on the Application:

Neutral

Comments:

Hello,

Friends of Wilderness Park will be testifying in a neutral position regarding COMPREHENSIVE PLAN AMENDMENT 23003 and related items.

When a proposal to change the future land use map from Ag Stream Corridor to I-3 is considered. It must be weighed with the utmost sensitivity to the floodplain.

I am happy to report FOG and LTU Watershed have shown much sensitivity to flood plain issues. FOG has communicated with Friends of Wilderness Park throughout the whole process, and we know they have listened to our concerns and addressed them to Watershed's satisfaction.

We greatly appreciate the donation of land to the city near Wilderness Park and the conservation agreement for the wetland outlet.

While not cited as often, we feel that the goals and policies in the comprehensive plan (Environmental Stewardship, Community Resiliency and Civic Participation) have been approached by this development plan.

Policies include:

P20: Ecology and Habitat – The donation of the forest and oxbow land to the east preserves habitat and has high ecological value.

P21: Floodplains and Riparian Areas – FOG has addressed many concerns about floodplain protection and water quality.

P23: Salt Valley Greenway and Connecting Green Corridors Concept Implementation – The addition of forest to Lincoln's Greenways will be treasured by all enjoying the Jamaica Trail.

P24: Environmental Resource Protection – The protection of the forest and oxbow meets this policy. The widening of the central channel with a check structure which protects resources downstream.

P25: Open Space with Development – The areas set aside for wetlands and nature make a more vibrant community.

P26: Community Forestry Management – Keeping the forest to the east intact keeps the area cool and more pleasant to experience.

The process we've experienced with FOG, Planning, and Watershed is a textbook example of stakeholder relationship building and good will. We hope to see more of this in the future.

Thank you for taking our testimony,

Adam Hintz

Executive Director

Friends of Wilderness Park

ORDINANCE NO. 21587

AN ORDINANCE Annexation 23002 - Application of FOG Limited Partnership an annexation of approximately 55.26 acres, more or less, for the property generally located at South 14th Street and Saltillo Road.

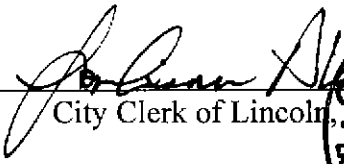
Read First Time April 01, 2024
Read Second Time April 08, 2024
Read Third Time April 15, 2024
Passed April 15, 2024
Published in Lincoln Journal Star
on April 26, 2024

CERTIFICATE

State of Nebraska)
) ss
County of Lancaster)

I, the undersigned, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the within ordinance is the original Ordinance No. 21587 as passed by the City Council of said City, as indicated above, and as approved by the Mayor of said City and as the same appears of record in my office and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska this 17th day of April, 2024.


City Clerk of Lincoln, Nebraska

