

FACTSHEET

TITLE: ANNEXATION NO. 06018, requested by the Director of Planning, at the request of the Public Works & Utilities Department, to annex approximately 4.87 acres, more or less, generally located at North 7th Street and Fletcher Avenue.

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 11/22/06
Administrative Action: 11/22/06

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

FINDINGS OF FACT:

1. This is a request to annex approximately 4.87 acres, more or less, located at the southwest corner of North 7th Street and Fletcher Avenue. The purpose is to annex Fletcher Avenue and North 7th Street abutting the Windstream (formerly Alltel) property to allow the construction of the streets to City standards. The Windstream property must be annexed in order to annex the abutting streets. This annexation will also allow the developer of The Links at Lincoln to fulfill the requirements to provide right-turn and left-turn lanes in Fletcher Avenue and to pave North 7th Street with a standard urban cross-section.
2. The staff recommendation of approval is based upon the "*Analysis*" as set forth on p.3-4, concluding that the proposed annexation is in conformance with the Comprehensive Plan. The area is within the future service limits, two sides of the parcel about the City limits and the property is designated urban residential in the Land Use Plan.
3. On November 22, 2006, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak. Windstream officials had been advised of the application before the hearing and indicated no objection.
4. On November 22, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Taylor absent).
5. This annexation does not require an annexation agreement.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 27, 2006

REVIEWED BY: _____

DATE: November 27, 2006

REFERENCE NUMBER: FS\CC\2006\ANNEX.06018

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for NOVEMBER 22, 2006 PLANNING COMMISSION MEETING

- PROJECT #:** Annexation #06018
- PROPOSAL:** To annex approximately 4.87 acres.
- LOCATION:** N. 7th St. and Fletcher Ave.
- LAND AREA:** 4.87 acres, more or less
- CONCLUSION:** The annexation is in conformance with the Comprehensive Plan. The area is within the future service limits, two sides of the parcel abut the City limits and is designated urban residential in the land use plan.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 54 I.T. located in the NW 1/4 of Section 2, Township 10 North, Range 6 East, Lancaster County, Nebraska

EXISTING ZONING: AG- Agricultural

SURROUNDING LAND USE AND ZONING:

North:	AG, Agricultural	Single family houses on acreages
South:	R-3 Residential	The Links at Lincoln multi-family development
East:	AG, Agricultural	Single family houses on acreages.
West:	R-3, Residential	The Links at Lincoln multi-family development

EXISTING LAND USE: Telecommunications tower and associated ground equipment.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Map of the 2025 Comprehensive Plan identifies the proposed area as urban residential and is inside the future service limits. (F-23)

The provision of municipal services shall 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. (F-154)

The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexations shall occur before any property is provided with water, sanitary sewer, or other potential City services. (F-154)

Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by the City should be annexed. (F-154)

Annexation generally implies the opportunity to access all City services. 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. (F-154,155)

HISTORY:

- | | |
|----------------|--|
| June 19, 2006 | Change of Zone #05002A, The Links at Lincoln PUD, to enlarge the area of the PUD was approved by City Council. |
| April 18, 2005 | Change of Zone #05002, The Links at Lincoln PUD, was approved by City Council. |
| May 2, 2001 | Special Permit #1322F to increase the height of an existing wireless communications tower was approved by the Planning Commission. |

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** There is no sanitary sewer in Fletcher Ave. or N. 7th St. abutting the area of annexation. There is public sanitary sewer extending through the apartment complex terminating at a manhole in Fletcher Ave. approximately 350' west of the area of annexation.
- B. **Water:** There is a 12" water main in Fletcher Ave. to 7th St. There is no water in N. 7th St.
- C. **Roads:** Fletcher Ave. and N. 7th St. are classified as urban collector.
- D. **Parks and Trails:** There are no parks or trails within this area.
- E. **Fire Protection:** The nearest fire station is Station 14 located at 5435 N.W. 1st St.

ANALYSIS:

1. This is a request for annexation of approximately 4.87 acres of land at the southwest corner of N. 7th St. and Fletcher Ave.
2. The purpose of this application is to annex Fletcher Ave. and N. 7th St. abutting the Windstream (formerly Alltel) property. This will allow the construction of the streets to City standards. The Windstream property must be annexed in order to annex the abutting streets. The streets are currently Lancaster

County right-of-way and require an inter local agreement between the City and Lancaster County for any road construction. By annexing the Alltel property, the City could apply current City design standards.

3. The annexation of the streets will allow the developer of The Links at Lincoln subdivision to fulfill the requirements to provide right-turn and left-turn lanes in Fletcher Ave. and to pave N. 7th St. with a standard urban cross section.
4. The proposed annexation area is contiguous to the City limits. The Links at Lincoln development is located to the south and west.
5. The area of annexation is within the future service limits as identified in the 2025 Comprehensive Plan.
6. The future land use plan identifies this area as urban residential.
7. An annexation agreement is not required for this development. All utilities are available and all roads are local.
8. Officials at the headquarters of Windstream were advised of this application and indicated they did not oppose the annexation.
9. Annexation policy:
 - ! Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.
 - ! Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (i.e., 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.
 - ! Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county."

Prepared by:

Tom Cajka
Planner

DATE: November 6, 2006

APPLICANT: Marvin S. Krout, Director of Planning
on behalf of Public Works & Utilities
555 S. 10th Street
Lincoln, NE 68508
(402) 441-7491

CONTACT: Tom Cajka
Planning Department
441-5662, tcajka@lincoln.ne.gov

OWNER: Windstream Nebraska
1440 "M" St.
Lincoln, NE 68508

ANNEXATION NO. 06018

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

November 22, 2006

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

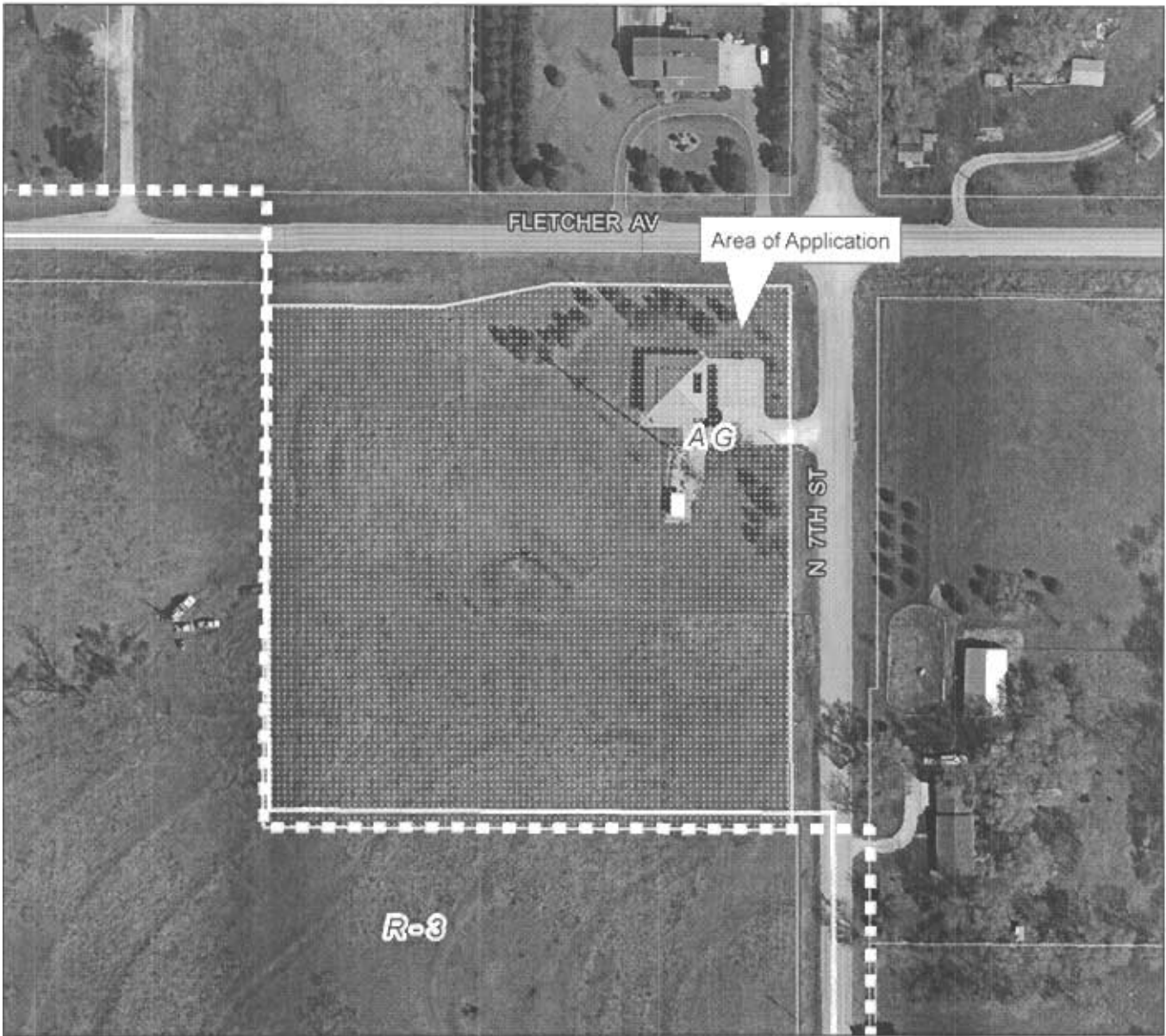
The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 06073; CHANGE OF ZONE NO. 06074; SPECIAL PERMIT NO. 531F, SALT VALLEY VIEW COMMUNITY UNIT PLAN; ANNEXATION NO. 06018; ANNEXATION NO. 06019; and CHANGE OF ZONE NO. 06075, WILDERNESS COMMONS PLANNED UNIT DEVELOPMENT; COMPREHENSIVE PLAN CONFORMANCE NO. 06016; and STREET & ALLEY VACATION NO. 06008.**

Ex Parte Communications: None.

Item No. 1.4a, Annexation No. 06019, and Item No. 1.4b, Change of Zone No. 06075, were removed from the Consent Agenda and scheduled for separate public hearing due to additional information from staff.

Carroll moved approval of the remaining Consent Agenda, seconded by Larson and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand and Sunderman voting 'yes'; Taylor absent.

Note: This is final action on Special Permit No. 531F and Comprehensive Plan Conformance No. 06016, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action of the Planning Commission.



2005 aerial

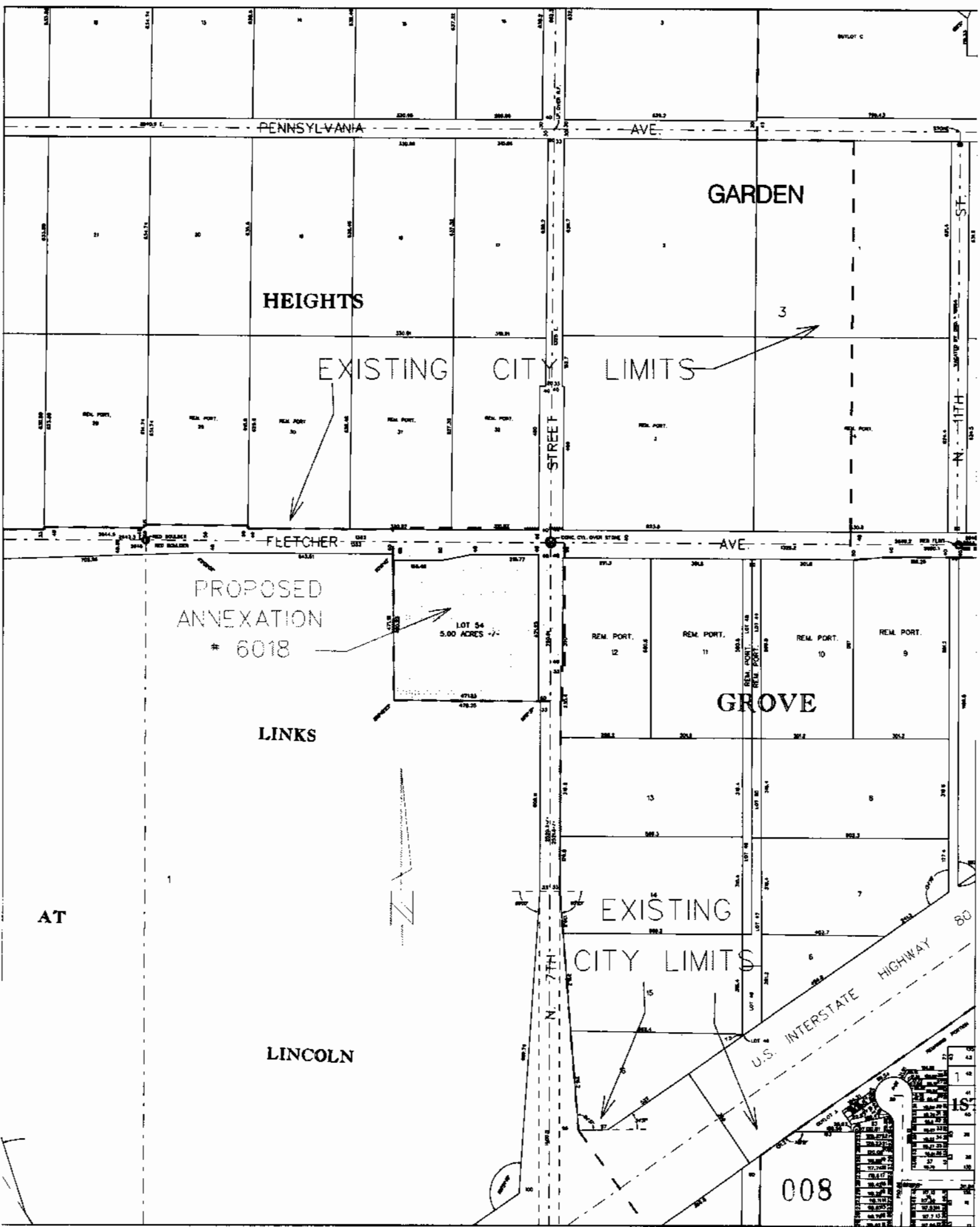
Annexation #06018 N 7th St & Fletcher Ave

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 2 T10N R06E





PENNSYLVANIA AVE.

GARDEN

HEIGHTS

EXISTING CITY LIMITS

FLETCHER AVE.

PROPOSED ANNEXATION # 6018

LOT 54 5.00 ACRES

LINKS

GROVE

EXISTING CITY LIMITS

U.S. INTERSTATE HIGHWAY 80

LINCOLN

008

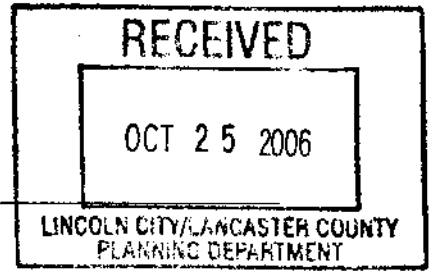


N. 11TH ST.

STREET

N. 7TH ST.

18



M e m o r a n d u m



To: Ray Hill, Planning Department
From: David Rathjen, Engineering Services *David Rathjen*
Subject: Annexing Alltel Property
Southwest Corner of Fletcher Avenue and North 7th Street
Date: October 25, 2006
cc: Roger Figard
Randy Hoskins
Dennis Bartels

The new subdivision, The Links at Lincoln, was required to provide right-turn and left-turn lanes in Fletcher Avenue and to pave North 7th Street with a standard urban cross-section from the south line of the new plat to Fletcher Avenue as a part of the requirements for the development. Part of the design consideration in Fletcher Avenue was to improve sight distance at North 7th Street requiring the lowering of the hill at that location.

A portion of North 7th Street south of Fletcher Avenue and a portion of Fletcher Avenue west of North 7th Street are currently Lancaster County right-of-way and require an interlocal agreement between the County and the City of Lincoln for any road construction. Plans were submitted to Lancaster County Engineering for their review.

Upon the review by the County Engineer, several design considerations did not conform to their current standards. Those non-conforming issues involve grading on one side of Fletcher Avenue which would adversely affect a property owner not involved in this development (loss of trees) and denial of use of an urban cross-section in North 7th Street. Since these areas are critical to fulfilling the requirements of the development, they must be resolved. Both are adjacent to a parcel owned by Alltel which is not currently included in the City of Lincoln.

It is the recommendation of the Engineering Services division of the Public Works Department that the City of Lincoln annex the Alltel property. This would include streets adjacent to the property, Fletcher Avenue west of North 7th Street from the City limits to the east line of North 7th Street and North 7th Street from the north line of Fletcher Avenue south to the current City limits. By this action, the City could apply current City standards of design without County approval.

The legal description of the parcel is: Lot 54 in the NW 1/4 of Section 2, Township 10 North, Range 6 East. Engineering Services therefore requests that Planning send this annexation request to the Planning Commission and City Council for action.