

City Council Introduction: **Monday**, February 9, 2009  
Public Hearing: **Monday**, February 23, 2009, at **5:30** p.m.

Bill No. 09-15

## **FACTSHEET**

**TITLE:** **ANNEXATION NO. 08009**, by the Director of Planning, to annex 105.4 acres, more or less, generally located at North 84<sup>th</sup> Street and Cornhusker Highway.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 01/28/09  
Administrative Action: 01/28/09

**STAFF RECOMMENDATION:** Approval.

**RECOMMENDATION:** Approval (8-0: Carroll, Esseks, Francis, Larson, Cornelius, Gaylor Baird, Taylor and Sunderman voting 'yes'; Partington absent).

### **FINDINGS OF FACT:**

1. This is a request to annex 150.4 acres, more or less, located at North 84<sup>th</sup> Street and Cornhusker Highway pursuant to the City's annexation policy as set forth in the Comprehensive Plan.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4, concluding that the property can be provided the full-range of City services, is urban in character and is contiguous with the city limits. This annexation is consistent with the City's annexation policy.
3. Neighborhood meetings were held on September 2 and October 2, 2008, and written notification of the public hearing before the Planning Commission was mailed to owners of the property proposed to be annexed on December 29, 2008.
4. On January 28, 2009, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On January 28, 2009, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Partington absent).

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

**DATE:** January 29, 2009

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

**DATE:** January 29, 2009

**REFERENCE NUMBER:** FS\CC\2009\ANNEX.08009

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JANUARY 28, 2009 PLANNING COMMISSION MEETING

**PROJECT #:** Annexation #08009

**PROPOSAL:** Application by the Director of Planning to annex 150 acres.

**LOCATION:** N. 84<sup>th</sup> St. and Cornhusker Hwy

**LAND AREA:** 150.4 acres, more or less

**CONCLUSION:** These properties can be provided the full-range of City services, are urban in character, and are contiguous with the city limit. Their annexation is consistent with the City's annexation policy.

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

**LEGAL DESCRIPTION:** The remaining portion of Lot 78, all of Lots 24 & 28 and that part of Lot 76 lying outside the city limits; all located in Section 3-10-7; Lot 37 except the west 350' and the remaining portion of Lot 23, all located in Section 34-11-7; and Lot 19, 34, and 46, located in Section 35-11-7, and all adjacent road right-of-way; Lancaster County, Nebraska.

**EXISTING ZONING:** I-1, Industrial; AG, Agricultural and P, Public

## **SURROUNDING LAND USE AND ZONING:**

North:	AG	Undeveloped
	I-1	Industrial and railroad
South:	AG	Undeveloped
	I-1	Industrial
East:	AG	Undeveloped
	I-1	Industrial
West:	I-1	Industrial and railroad

**EXISTING LAND USE:** Retail, outside storage and undeveloped

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

Urban Growth Tiers - This site is in Tier 1, Priority Area A of the City's Future Service Limit. (p.21)

Priority A of Tier 1

Areas designated for near term development are generally contiguous to existing development and should be provided first with basic infrastructure within the next 6 years. Some infrastructure improvements may be some in the near term while others, such as road improvements that are generally more costly, may take longer to complete. (p 24)

Capitalize on Public Infrastructure Investments - The community should seek to efficiently utilize the community's investments in existing and future public infrastructure to advance economic development opportunities.(p.30)

The City and County will foster responsible land use and development through the timely provision of infrastructure and transportation system improvements, while at the same time maintaining the environmental values and stewardship they wish to sustain. (p30)

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. The annexation policies of the City of Lincoln include but are not limited to the following: (p154)

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.

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

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.

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.

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 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.

#### **HISTORY:**

April 21, 2008            Annexation #08002 located southwest of N. 84<sup>th</sup> St. and Fletcher Ave. was approved by the City Council.

#### **SPECIFIC INFORMATION:**

**DESCRIPTION OF PROPERTY:** The area south of Cornhusker Hwy is in the flood way and flood plain. A small portion of the parcel in the northwest is in the flood plain. An LES substation is located east of N. 84<sup>th</sup> St., just south of Cornhusker Hwy.

#### **UTILITIES & SERVICES:**

- A.     **Sanitary Sewer:** A sanitary sewer main will need to be extended along Cornhusker Highway or Fletcher Ave. from the 72" main to serve this area.

- B. **Water:** There are existing water mains to serve this area.
- C. **Roads:** Cornhusker Highway and N.84th St. are principal arterial streets. N. 70<sup>th</sup> St is a minor arterial. N. 84<sup>th</sup> St. is shown as a proposed project for 6-lanes and N. 70<sup>th</sup> St. is shown as a proposed project for 4-lanes in the Comprehensive Plan.
- D. **Parks and Trails:** Future trails are planned in the Stevens Creek flood plain.
- E. **Fire Protection:** The nearest fire station is located at Touzalin Ave. and Fremont St.

**ANALYSIS:**

1. The land is contiguous to the City limits and is generally urban in character. Annexation generally implies the opportunity to access all City services.
2. The proposed annexation is predominantly zoned I-1 with a small parcel of AG in the northwest area and P where the LES substation is located. The entire area is in Tier 1, Priority A, and has ready access to utilities such as water and sewer.
3. The area of annexation is within the Waverly Rural Fire District and the Waverly School District. The Waverly School District has outstanding bond debt, so property owners are required to continue paying their levy on any outstanding school bonds.
4. The area north of Cornhusker Hwy and west of N. 84<sup>th</sup> St. is not included within this annexation area while the City works with the property owners on a possible annexation agreement.

Prepared by:

Tom Cajka  
Planner

**DATE:** January 14, 2009

**APPLICANT:** Marvin S. Krout  
Director of Planning  
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Lincoln, NE 68508  
(402) 441-7491

**CONTACT:** Tom Cajka, Planner  
Planning Department  
(402) 441-5662

# ANNEXATION NO. 08009

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

January 28, 2009

Members present: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Sunderman and Taylor; Partington absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 08029, ANNEXATION NO. 08009, ANNEXATION NO. 08012, ANNEXATION NO. 08014, ANNEXATION NO. 08017, ANNEXATION NO. 08018, ANNEXATION NO. 08021, CHANGE OF ZONE NO. 08070, CHANGE OF ZONE NO. 08073, SPECIAL PERMIT NO. 08052, USE PERMIT NO. 100B, and SPECIAL PERMIT NO. 310D.**

Ex Parte Communications: None




**Item No. 1.9a, Change of Zone N. 08073; Item No. 1.9b, Special Permit No. 08052; Item No. 1.9c, Use Permit No. 100B; and Item No. 1.10, Special Permit No. 310D,** were removed from the Consent Agenda and scheduled for separate public hearing.

Taylor moved to approve the remaining Consent Agenda, seconded by Esseks and carried 8-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Sunderman and Taylor voting 'yes'; Partington absent.

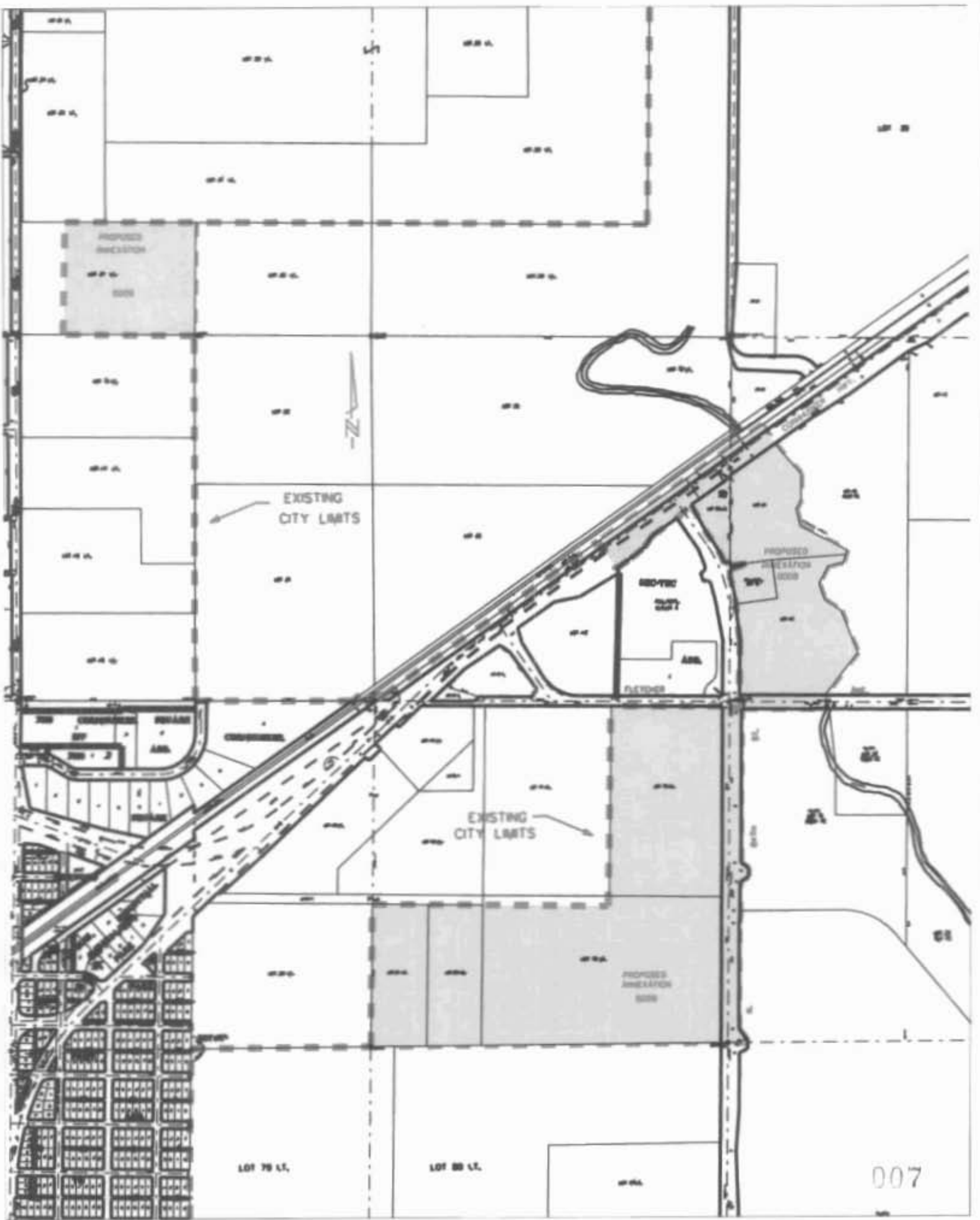
Note: This is final action on Comprehensive Plan Conformance No. 08029, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



**Annexation # 08009**  
**N 84th & Cornhusker Hwy**  
 Total Area: 150.4 Acres

-  Existing City Limits
-  Annexation Study Area Boundary
-  Zoning District Boundary





EXISTING CITY LIMITS

EXISTING CITY LIMITS

PROPOSED ANEXATION

PROPOSED ANEXATION

MEDICAL OFFICE

FLEXIBLE

PROPOSED ANEXATION

LOT 78 LT.

LOT 80 LT.

007