

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

Bill No. 09-19

FACTSHEET

TITLE: ANNEXATION NO. 08015, by the Director of Planning, to annex 117 acres, more or less, generally located near South Folsom Street from West Prospector Place to West Pioneers Boulevard.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

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

RECOMMENDATION: Approval (6-0: Carroll, Esseks, Francis, Cornelius, Taylor and Sunderman voting 'yes'; Gaylor Baird declared a conflict of interest; Larson and Partington absent).

FINDINGS OF FACT:

1. This is a request to annex 117 acres, more or less, generally located near South Folsom Street from West Prospector Place to West Pioneers Boulevard, 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.4-5, concluding that the property can be provided the full-range of City services, is generally 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. The staff presentation is found on p.6.
5. Testimony in opposition is found on p.6-7. There were approximately 20 members of the Yankee Hill Neighborhood Association who stood in opposition.
6. On January 28, 2009, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval (Gaylor Baird declared a conflict of interest; Larson and Partington absent).

FACTSHEET PREPARED BY: Jean L. Preister

DATE: February 3, 2009

REVIEWED BY: _____

DATE: February 3, 2009

REFERENCE NUMBER: FS\CC\2009\ANNEX.08015

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for January 28, 2008 PLANNING COMMISSION MEETING

PROJECT #: Annexation #08015

PROPOSAL: Application by the Director of Planning to annex approximately 117 acres.

LOCATION: Land generally near South Folsom Street from West Prospector Place to West Pioneers Blvd.

LAND AREA: 117 acres, more or less.

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

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

LEGAL DESCRIPTION: All that portion of Lot 2, a corrected Plat of Burnham 1st Addition not previously annexed; Lots 5, 6, 7, 8, and 9 Park Ridge Heights Replat; and adjacent Pioneers Blvd., South Folsom Street, and Tower Road; and also those portions of Lots 2 and 9 not previously annexed, all of Lots 3, 4, 6, 7, and 8 in Burnham Subdivision; Lot 2 Frisbie Subdivision; that portion of Lot 186 I.T. lying north of a line 237 feet south of the centerline of West Burnham Street, Lots 25, 97, 98, 96, 95, 94, and 81 I.T., and adjacent West Burnham and West Stockwell Streets; and also lots 92, 109, 108, 107, 106, 105, 104, 154, 155, 156, 157, 134, 151, 165, 166, 111, 112, 113, 142, 116, 117, 118, 119, 39, 128, 129, 121, 123, 124, 125, 126, 127, 55, 56, 146, 147, 148, 35, 46, 61, 62, 150, 149, 188, 183, 184, and 185 I.T., Lots 1-4, Block 1, Lots 1-5, Block 2, Lots 1-12, Block 3, and Outlots A, B, C, D, and E, Lowe's Addition; Lots 1 and 2, Lincoln Park Subdivision 1st Addition; Lots 1-19 and 21-38, Lincoln Park Subdivision, adjacent vacated Oyler, Sherman and Calvert Streets, and adjacent West Calvert, West High, and SW 6th Streets, all located in Section 3-9-6, Lancaster County, Nebraska, generally located at S. Folsom Street and W. Calvert Street.

EXISTING ZONING: AG Agriculture, P Public, R-3 Residential.

EXISTING LAND USE: The area proposed for annexation is developed and includes approximately 101 dwelling units and 28,000 square feet of commercial floor area.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 21 - The proposed annexation is within the City's Future Service Limit.

Pg 154 - Annexation Policy - 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:

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:

June 18, 2004 - AN#04005 was approved to annex 17 dwellings, a tract of LPS land and the Southwest Rural Fire Station.

December 5, 2003 - AN#97007 was approved by City Council extending the city limit south from South Street and annexing the area surrounding the Homestead Expressway/West Van Dorn interchange and the Regional Center.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

Sanitary Sewer: Sanitary sewer lines exist in West Van Dorn Street, Southwest 6th Street, West High Street, West Calvert Street, West Stockwell Street, and West Burnham Street, and were originally built by a Sanitary and Improvement District decades ago. The City has since assumed

ownership of the sewer lines in this area as well as maintenance responsibility. Many of the properties proposed for annexation are already connected to sanitary sewer, and it can be extended to serve those that aren't.

Water: In 2004 the City installed a 30" water main along West Van Dorn/West Prospector Place from South Coddington Avenue to Park Blvd. A 16" water line was also extended from this main south along South Folsom Street to West Calvert Street to provide water service to the Regional Center per the approved annexation agreement between the State of Nebraska and the City. The public water system can be expanded to serve the properties proposed for annexation.

Roads: South Folsom Street and West Van Dorn Street are designated as arterial streets, but currently only improved as paved two-lane streets with no curb and gutter. The remaining local streets in the area are not paved.

Fire/Police/Public Safety: Those areas outside the city are currently served by the Southwest Rural Fire District and Lancaster County Sheriff. If approved, the Lincoln Fire and Police Departments will be responsible for providing protection to those areas within the city limit. For fire protection, It is anticipated that the first responders would be from Stations #8 (South 17th & Van Dorn Streets) and #13 (South Coddington Avenue and West A Street).

BACKGROUND:

In 1997, the City began Annexation #97007 in part prompted by the State's desire to abandon their private water system serving the Regional Center and connect to the City's system. The original annexation boundary recommended by staff included all those properties that could be served by the new water main, and that also were either connected to, or could be served by, sanitary sewer. That boundary proposed in 1997 included all the lots in this Annexation #08015. In response to opposition from residents, the annexation boundary ultimately approved by City Council in December, 2003 was amended to not include any dwellings or commercial buildings, only the State-owned property.

The subsequent annexation, AN#04005, was initiated by petition from eight property owners in the Yankee Hill neighborhood seeking to connect to the public water system. As a result, 17 dwellings, the LPS school site, and the Southwest Rural Fire Station were annexed in June, 2004.

ANALYSIS:

1. The proposed annexation area includes approximately 101 dwellings and 28,000 square feet of commercial floor area. As a result of the development pattern and proximity to the city, this area is urban in character.
2. The area proposed for annexation is contiguous with the city limit. However, the city limit is irregular in this area, and there are properties inside the city surrounded by those that aren't, and vice versa. Such irregular city limit boundaries can be challenging for service providers, such as determining when emergency services must respond or not, or for snow plow drivers clearing streets.

3. Most all properties in this area are already connected to city sewer, contrary to the City's policy of not extending sewer service beyond the city limit. The sewer lines were originally installed by a sanitary improvement district decades ago, which were then subsequently accepted by the City for maintenance. The annexation boundary is drawn to include both those areas that are already connected, and those not connected but that can be served. Because annexation implies access to all municipal services including sewer and water, properties that cannot be served were excluded. This is why the boundary is somewhat irregular and excludes specific properties such as the homes at the south end of South Folsom Street on Tower Road.
4. A 16" water line was extended south along Folsom Street to serve the Regional Center. The water system can be expanded to serve all the properties within the proposed annexation. Any property owner with a well may continue to use the well after annexation, but owners wishing to continue using private wells must apply for a bi-annual permit. The fee for the permit includes annual inspections conducted by the Health Department.
5. All other city services can be provided to this area.
6. All properties this area are within Lincoln Public School District #1, and this will not change with annexation. All properties are also located within the Southwest Rural Fire District, but the Lincoln Fire Department will assume coverage responsibility. The City will also be required to reimburse the Fire District as a result of annexation.

Prepared by:

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Planner
January 13, 2009

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ANNEXATION NO. 08015

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 28, 2009

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

Ex Parte Communications: None.

Staff recommendation: Approval

Staff presentation: **Steve Henrichsen of Planning staff** gave a brief overview of the annexations on today's agenda. The staff began studying these proposals last year. Planning Commissioners received a briefing. Neighborhood meetings were held in September, October and December of 2008. Through mailings and the Planning Department Web site, staff has tried to disseminate as much information as possible. The reasons for moving forward with these annexations are that they conform to state statutes, they are adjacent to the city limit, services can be provided, they are urban in character in that they relate to the urban area, and city streets are used to come and go.

People who have contacted staff in opposition have noted the tough economic times. Henrichsen can understand. Everyone is in tough times. There are pluses and minuses for living in the city. City residents don't receive burn permits and cats and dogs must be licensed. There are a lot of pluses also, including is a very fast response time for Police and Fire.

Brian Will of Planning staff stated that this is similar to the last request for annexation. In the past, the Regional Center was interested in annexation so they could receive city water. That annexation was approved in 2004, but only included the Regional Center. That annexation was subsequently followed up by neighbors who wanted to connect to the city water system. They were already connected to the city sewer which the city took over from a SID. This area is already in the Lincoln Public Schools district.

Opposition

1. Dirk Johnson, 4501 SW. 12th Street, President of the Yankee Hill Neighborhood Association, testified in opposition on behalf of the Neighborhood Association. Approximately twenty Yankee Hill neighborhood members stood in opposition. What are the benefits to joining the City of Lincoln? The Regional Center requested the water. The Yankee Hill residents have their own wells. The County maintains their roads better than the city would. The volunteer Fire Dept. does a great job. They are in the Lincoln Public Schools district. The residents in the Yankee Hill neighborhood pays those taxes already. Sidewalks, curbs, street lights, etc., are not something they have or want.

Johnson understands that the City of Lincoln is moving towards the Yankee Hill area, but he does not believe now is the time for this annexation. It is premature.

Francis inquired about the boundaries of the Yankee Hill Neighborhood Association. Johnson replied the boundaries are S. 1st St. to Coddington, Van Dorn to Old Cheney.

Gaylor Baird questioned how annexation affects the sidewalk issue. Johnson replied that sidewalks are not in the future planning for this neighborhood. Sidewalks and street lights are safety issues. Those are items that people in the city have and his neighborhood does not. They don't feel it is fair to pay taxes for things that they don't have.

Esseks noted that road maintenance is not being paid for by the residents. Johnson's response was that they do not pay the wheel tax but they shop in Lincoln and pay the sales tax. He understands that there are perceptions that they don't pay their fair share. At the same time, if this area is annexed and the city does not provide the sidewalks or street lights, it isn't fair.

Esseks noted that this is a classic argument. Existing rural areas do not want to be annexed. They feel they have all the services they need. Will responded that these proposed annexations are based on whether the area meets the criteria in the Comprehensive Plan to be annexed.

2. Peter Katt testified in opposition. He has clients in all three of the annexation areas (Annexation No. 08010, Annexation No. 08015 and Annexation No. 08016) coming up for public hearing today. He asked the Commission to remember and consider that the proposed annexation areas are very large and are vastly underdeveloped. Today there is a lot of undeveloped land in the city. There is no demand for land on the fringes today. It is not advantageous to the homeowners. He believes it would be best to defer these annexations due to current economic circumstances.

Staff questions

Esseks questioned if owners can benefit down the road from sidewalks, etc. Bartels stated that Folsom is shown as a major street. The mechanism to get the local streets paved would be an assessment district. The street lighting is also funded by property owners.

Taylor wondered if this should be put off until another time. These are harsh economic times and some people may not see this as profitable in becoming part of the city. Henrichsen replied that this is actually an annexation that could have taken place eight years ago. He takes exception to the comment that there is no benefit to annexation by the city. There is quicker Fire Dept. response. There is already water and sewer in this area. S. Folsom is already in the city limits. The city already maintains the road.

Taylor questioned the projected cost. Henrichsen replied that the difference in property taxes will be eight to nine percent in the year 2010. Wheel tax would be about \$45.00 more.

ACTION BY PLANNING COMMISSION:

January 28, 2009

Francis moved approval, seconded by Taylor.

Francis stated that it is hard to maintain an island when you are surrounded by the city.

Sunderman believes that this area meets the qualifications for annexation and should be part of the city.

Carroll agreed with Sunderman.

Motion for approval carried 6-0: Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Gaylor Baird declared a conflict of interest; Larson and Partington absent. This is a recommendation to the City Council.



Annexation #08015
S Folsom & W Calvert St

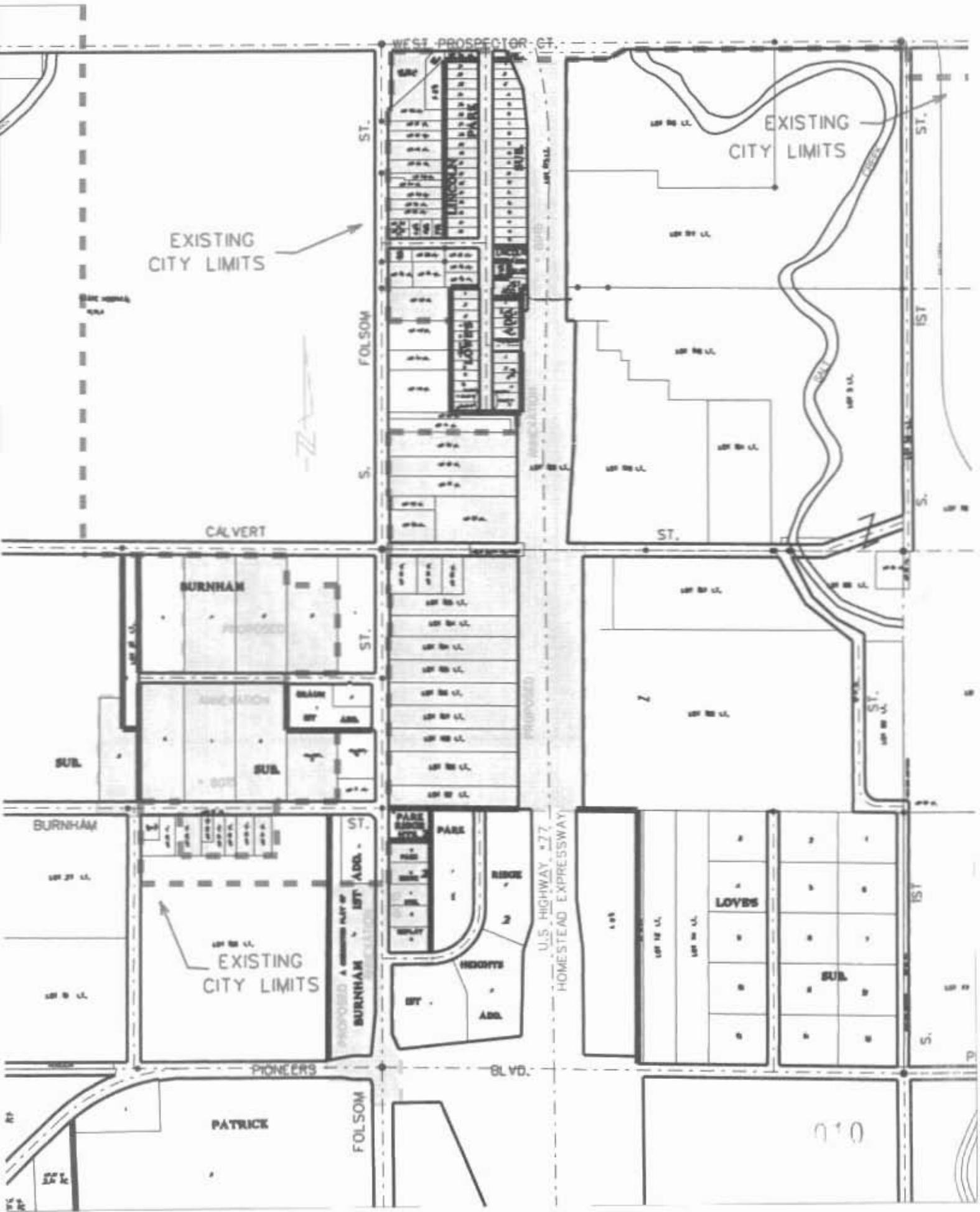
Total Area: 116.9 Acres

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

009



PLANNING DEPARTMENT
RTS
 December 9, 2008



EXISTING CITY LIMITS

EXISTING CITY LIMITS

CALVERT

BURNHAM

EXISTING CITY LIMITS

PIONEERS

PATRICK

FOLSOM ST.

FOLSOM

WEST PROSPECTOR ST.

U.S. HIGHWAY #27
HOMESTEAD EXPRESSWAY

ST.

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