

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

Bill No. 09-21

## **FACTSHEET**

**TITLE:** ANNEXATION NO. 08017, by the Director of Planning, to annex 32.2 acres, more or less, generally located at N.W. 40<sup>th</sup> Street and West Adams Street.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

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

**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 32.2 acres, more or less, generally located at N.W. 40<sup>th</sup> Street and West Adams Street 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.3-4, concluding that the 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.08017

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JANUARY 28, 2009 PLANNING COMMISSION MEETING

**PROJECT #:** Annexation # 08017

**PROPOSAL:** Application by the Director of Planning to annex approximately 32.2 acres.

**LOCATION:** N.W. 40<sup>th</sup> St, and West Adams St.

**LAND AREA:** 32.2 acres, more or less

**CONCLUSION:** The proposal is consistent with the City's annexation policy.

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

**LEGAL DESCRIPTION:** A portion of Lot 23 IT located in Section 17, Township 10 North, Range 6 East, Lancaster County, NE

**EXISTING ZONING:** P, Public

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

North: I-1, Airport Industrial Park

South: AG, Open space

East: P, Lincoln Airport

West: H-4, Manufacturing

Southwest: R-3, Single family residential, Ashley Heights subdivision

**EXISTING LAND USE:** Open space

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

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 16, 2001            Annexation #0001 to annex the Ashley Heights subdivision was approved by the City Council.

**SPECIFIC INFORMATION:**

**UTILITIES & SERVICES:**

- A.    **Sanitary Sewer:**    Existing in West Adams St. to the west.
- B.    **Water:**            Water is available to serve this area.
- C.    **Roads:**            West Adams St. on the west edge is a minor arterial. The Comprehensive Plan identifies a future NW 40<sup>th</sup> St connecting to West Adams St.
- D.    **Parks and Trails:**    There are no parks or trails planned at this location.
- E.    **Fire Protection:**    The nearest fire station is located at the airport.

**ANALYSIS:**

1.    The proposed area to be annexed is surrounded by the City on the north, west and east sides. The Comprehensive Plan states that land which is engulfed by the City should be annexed.
2.    There is a small building and airport communication tower on the property. Access to this property would need to be from West Adams St.
3.    The property is located with Southwest Rural Fire District and the Lincoln School District. The City will incur no cost to the Southwest Rural Fire District since the land has no assessed value because it is tax exempt.

4. This area is of interest to Public Works Watershed Management and the Natural Resource District as potential flood water storage. This site is located in the 100 year flood plain of Oak Creek. The land is owned by the United States government and City of Lincoln Airport Authority.

Prepared by:

Tom Cajka  
Planner

**DATE:** January 12, 2009

**APPLICANT:** Marvin S. Krout  
Director of Planning  
555 S. 10th Street  
Lincoln, NE 68508  
(402) 441-7491

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

# ANNEXATION NO. 08017

**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.

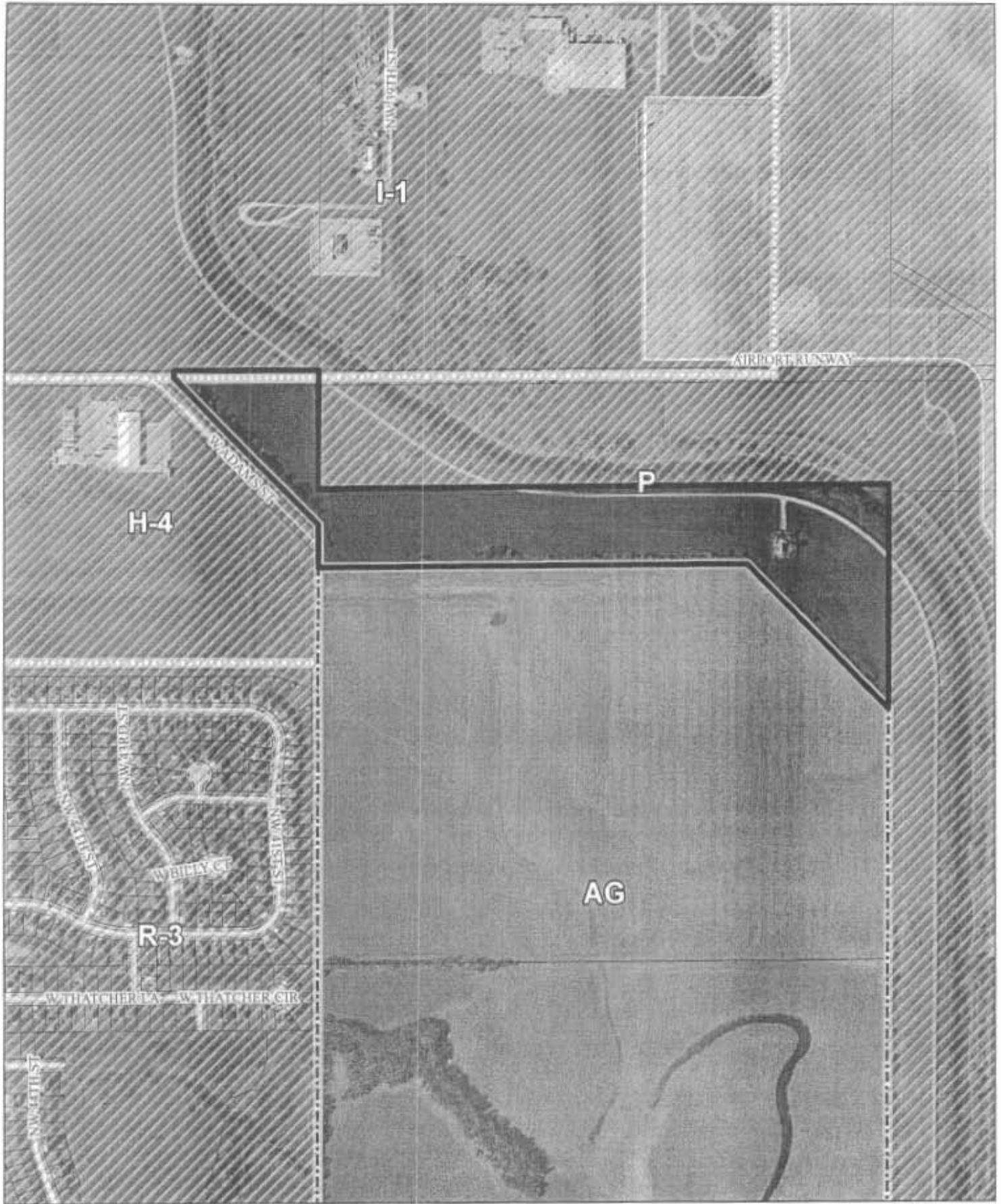
The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 08029, ANNEXATION NO. 08009, ANNEXATION NO. 08012, ANNEXATION NO. 08014, ANNEXATION NO. 08017, ANNEXATION NO. 08018, ANNEXATION NO. 08021, CHANGE OF ZONE NO. 08070, CHANGE OF ZONE NO. 08073, SPECIAL PERMIT NO. 08052, 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 #08017**  
**NW 39th & W Adams St**

**Total Area: 32.2 Acres**

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

006



December 9, 2008

S. 1/2 S.E. 1/4  
40 - 42  
CITY OF SHELBY

LOT 6 U.

LOT 4

LOT 7

W. ADAMS

ST.

LOT 20 U.

PROPOSED ANNEXATION 8017

ARLEY

LOT 20 U.

EXISTING CITY LIMITS

EXISTING CITY LIMITS

N.W. 1/4 S.W. 1/4

207

