

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

Bill No. 09-23

## **FACTSHEET**

**TITLE:** **ANNEXATION NO. 08021**, by the Director of Planning, to annex 133.8 acres, more or less, generally located at North 44<sup>th</sup> Street and Superior Street.

**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 133.8 acres, more or less, generally located at North 44<sup>th</sup> Street and Superior 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.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.08021

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JANUARY 28, 2009 PLANNING COMMISSION MEETING

- PROJECT #:** Annexation #08021
- PROPOSAL:** Application by the Director of Planning to annex approximately 134 acres.
- LOCATION:** N. 44<sup>th</sup> St. and Superior St.
- LAND AREA:** 133.8 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 |
|-------------------------------|----------|

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 24 IT, except the south 327 feet and Lots 23 I.T. & 28 I.T. located in the SW 1/4 of Section 5, Township 10 North, Range 7 East; and Lots 79 I.T. & 80 I.T. located in the SE1/4 of Section 6, Township 10 North, Range 7 East; Lancaster County, NE

**EXISTING ZONING:** R-3, Residential

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

|        |     |  |
|--------|-----|--|
| North: | AG  | Undeveloped, wetlands, floodplain, and stream corridor                         |
|        | P   | Lincoln landfill   |
| South: | I-1 | Undeveloped, wetlands, floodplain, and stream corridor                         |
|        | R-3 | Undeveloped and residential  |
| East:  | I-1 | Industrial   |
| West:  | H-3 | Undeveloped, and auto dealership   |
|        | I-3 | Undeveloped, commercial uses, and industrial uses in Landmark Corporate Center |

**EXISTING LAND USE:** Undeveloped and Boosalis Park

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

This site is designated for green space, industrial, lakes and streams, and environmental resources in the Land Use Plan. (p19)

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 done in the near term while others, such as road improvements that are generally more costly, may take longer to complete. (p 24)

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:**

May 21, 2008 Preliminary Plat #08004, Superior Crescent, was approved by the Planning Commission. Associated Change of Zone #08019 and Annexation #08003 are pending at City Council.

February 28, 2000 Annexation #99018, Landmark Corporate Center, was approved by the City Council.

August 3, 1998 Annexation #98008, Schworer Addition, was approved by the City Council.

**SPECIFIC INFORMATION:**

**DESCRIPTION OF PROPERTY:** The property is almost entirely within the flood way or flood plain. Boosalis Park is within the proposed annexation area. Salt Creek runs through the middle of the area.

**UTILITIES & SERVICES:**

- A. **Sanitary Sewer:** Available to serve this area.
- B. **Water:** Available to serve this area.
- C. **Roads:** Unimproved N. 44<sup>th</sup> St. is on the east edge and unimproved Morton St. is on the north edge of the proposed annexation area. The Comprehensive Plan does not identify a project for either street. Superior St. is approximately 330 feet south of the proposed annexation area.
- D. **Parks and Trails:** Boosalis Park is located within the proposed annexation area. A future trail is planned for the east side of the Salt Creek channel.
- E. **Fire Protection:** Fire Station #2 is located at 1545 N. 33<sup>rd</sup> Street

**ANALYSIS:**

1. The proposed area to be annexed is surrounded by the City on the south, west and east sides. The area is within Tier One, Priority A of the 2030 Comprehensive Plan. The Comprehensive Plan states that land which is engulfed by the City should be annexed.
2. A large portion of the western part of the proposed annexation area is in the Salt Creek flood way and is shown as Environmental Resources and Lakes and Streams on the future land use map. The area is almost entirely in the flood plain or flood way. Boosalis Park is located between Salt Creek and N. 44<sup>th</sup> St.
3. This proposed annexation includes the area of Annexation #08003 associated with Superior Crescent Preliminary Plat. That annexation is on pending at City Council. Annexation #08003 will be withdrawn, if this application is approved.
4. The Lincoln Trap and Skeet Club is not being annexed at this time while the City considers an amendment to Title 9 to make it legal for the Club to discharge fire arms as a pre-existing use in the City limits.

Prepared by:

Tom Cajka  
Planner

**DATE:** January 12, 2009

**APPLICANT:**

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

**CONTACT:**

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Planning Department  
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# ANNEXATION NO. 08021

**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 #08021  
N 44th & Superior St**

**Total Area: 133.8 Acres**

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

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December 9, 2008

