

FACTSHEET

TITLE: ANNEXATION NO. 14005

BOARD/COMMITTEE: Planning Commission

APPLICANT: R & D Development, Inc.

RECOMMENDATION: Approval
(6-0: Sunderman, Harris, Beecham, Cornelius, Hove and Lust voting 'yes'; Weber, Scheer and Corr absent).

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: Public Works will be responsible for the maintenance and replacement of the streets and utilities in the new addition, and other departments will provide City services to the area and its residents.

SPONSOR: Planning Department

OPPONENTS: None

REASON FOR LEGISLATION:

To annex approximately 39 acres, more or less, generally located at S.W. 56th Street and West O Street.

DISCUSSION / FINDINGS OF FACT:

1. This annexation request and the associated Change of Zone No. 14026 from AG to I-1 and H-3 (Bill #14-135) were heard at the same time before the Planning Commission.
2. The staff recommendation to approve the annexation request is based upon the "Analysis" as set forth on p.4-5, concluding that the property is served by City services and the annexation is consistent with the industrial and commercial designation of this property in the 2040 Comprehensive Plan.
3. Upon approval of this annexation request, the applicant should be required to submit a check to the Planning Department equivalent to what the City owes the Rural Fire District for this annexation, i.e. \$163.74.
4. On October 1, 2014, 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 October 1, 2014, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval of this annexation request, subject to #3 above.
6. On October 1, 2014, the Planning Commission also voted 6-0 to recommend approval of the associated Change of Zone No. 14026 (Bill #14-135).
7. Should this annexation request be approved, the Planning staff is recommending that the Council ordinance assign the newly annexed area to **Council District #4.**

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: October 6, 2014

REVIEWED BY: Marvin Krout, Director of Planning

DATE: October 6, 2014

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for October 1, 2014 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 14026 and **Annexation No. 14005**

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Change of zone from AG Agriculture to I-1 Industrial on 35.96 acres and from AG to H-3 Highway Commercial on 2.31 acres and to **annex 39.03 acres including adjacent right-of-way of W. O Street.**

LOCATION: Generally located at S.W. 56th Street and W. O Street.

LAND AREA: Approximately 39 acres more or less.

EXISTING ZONING: AG Agricultural

CONCLUSION: This property is has an approved special permit for a limited landfill. And is served by City services. Annexing and changing the zoning of this property is consistent with the industrial and commercial designation of this property in the 2040 Comprehensive Plan.

RECOMMENDATION:

Change of Zone No. 14026
Annexation No. 14005

Conditional Approval
Conditional Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #4

GENERAL INFORMATION:

LEGAL DESCRIPTION: See Attached

EXISTING LAND USE: There is a special permit for a limited landfill on this property as well as an administrative permit for a Temporary Concrete Paving Plant.

SURROUNDING LAND USE AND ZONING:

North: H-3 Highway Commercial along W. O Street, used for limited landfill and construction business

South: AG Agriculture - Rail road tracks and Salt Creek

East: AG Agriculture - Vacant

West: AG Agriculture - vacant but shown as Phase II on Limited Landfill special permit.

HISTORY: This area was changed from AA Rural and Public Use to AG Agriculture in the 1979 Zoning Update.

April 2000 Planning Commission Approved Special Permit No. 1773 for a limited landfill for up to 450,000 cubic yards of construction rubble such as concrete, brick and asphalt. The landfill may be open from 7:00am to 6:00pm Monday through Saturday.

January 2001 Administrative Amendment No. 00070 to Special Permit No. 1773 was approved by the Planning Director to adjust the building and drive locations on the site plan.

November 2001 City Council approved Annexation No. 01003 and Change of Zone No. 3314 from AG Agriculture to H-3 Highway Commercial.

September 2014 An Administrative Special Permit No. 14003 was approved by the Planning Director for a Temporary Concrete Paving Plant on a portion of this property.

COMPREHENSIVE PLAN SPECIFICATIONS:

This property is shown as Commercial and Industrial on the 2040 Future Land Use Map

The ANNEXATION POLICY- page 12.14 of the 2040 Comprehensive Plan.

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must 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 should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed.

Annually the City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

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 annexation of large projects may be done in phases as development proceeds.

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 annexation 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.

UTILITIES: Existing

TOPOGRAPHY: Sloping from the north to the south. There are drainage ways on the north and south of this property, and one north/south through the center of the project.

TRAFFIC ANALYSIS: The access to the site is provided from West 'O' Street/ Hwy 6. West 'O' street

ENVIRONMENTAL CONCERNS: This property has been brought out of the floodplain.

ALTERNATIVE USES: Due to the proximity to both W. O Street to the north and the flood plain and railroad to the south, industrial and commercial uses are the most appropriate for this area.

ANALYSIS:

1. The property to be annexed is served by City utilities.
2. This property is shown as Tier 1, Priority A in the 2040 Comprehensive Plan. Tier 1, Priority A means that the property is appropriate for immediate annexation. The Comprehensive Plan also shows this as Industrial with Commercial along W. O Street.
3. The change of zone to H-3 is along W. O Street and will be adjacent to existing H-3 Highway Commercial zoning.
4. This property has been used for a limited landfill since 2000. The portion zoned H-3 has been used for contractor services. It appears that the contractor's service business in the H-3 district has expanded beyond the boundaries of the existing H-3 district. The change of zone to I-1 will allow for industrial and contractor services on this property outside of the existing H-3 zoning.

5. W. O Street is an entryway corridor. Approximately 287 feet of the proposed area to be annexed has of frontage on W. O Street. Entryway corridors provide community identity and orientation. They are the “first impression” by visitors to our community. The City is working on standards to improve entryway corridors.
6. State statute requires the City to reimburse a Rural Fire District for the value lost to the City by the annexation of land in the rural fire district taxing area. In this case the reimbursement is \$163.74. Rather than doing a separate annexation agreement for \$163.74, the City is asking the developer to make this payment to the City prior to approval of the annexation. The City will pay the Southwest rural fire district a lump sum for all annexations in their area at a future date.

CONDITIONS OF APPROVAL for Change of Zone No. 14026:

1. The City Council approves associated request AN14005 to annex approximately 39 acres:

CONDITIONS OF APPROVAL for Annexation No. 14005:

- 1. The applicant submits a check to the Planning Department, equivalent to what the City owes the Rural Fire District (\$163.74.) for the annexation.**

Prepared by:

Christy Eichorn, Planner
402-441-7603
ceichorn@lincoln.ne.gov

DATE: September 18, 2014

APPLICANT/ CONTACT: ESP, Inc
601 Old Cheney Road, Suite A
Lincoln, NE 68512
402-421-2500

OWNER: R&D Development, Inc.
Roger Schwisow
1354 Pelican Bay Place
Lincoln, NE 68528

**ANNEXATION NO. 14005
and
CHANGE OF ZONE NO. 14026**

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

October 1, 2014

Members present: Sunderman, Harris, Beecham, Cornelius, Hove and Lust; Weber, Scheer and Corr absent.

The Consent Agenda consisted of the following items: **ANNEXATION NO. 14005 and CHANGE OF ZONE NO. 14026.**

There were no ex parte communications disclosed.

Cornelius moved approval of the Consent Agenda, seconded by Hove and carried 6-0: Sunderman, Harris, Beecham, Cornelius, Hove and Lust voting 'yes; Weber, Scheer and Corr absent.



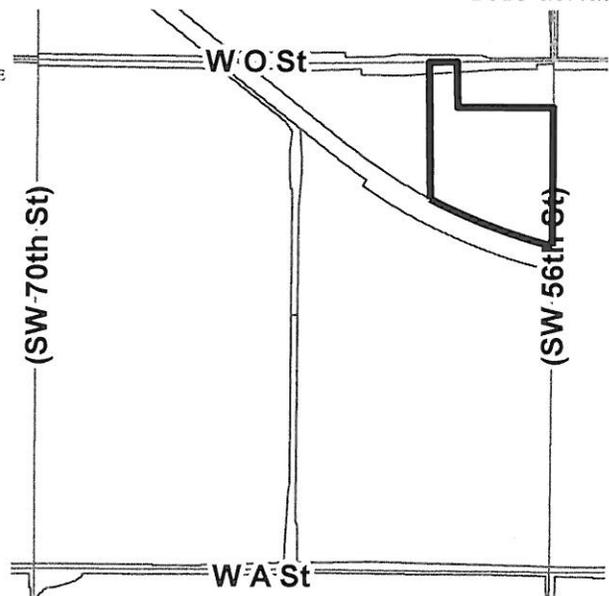
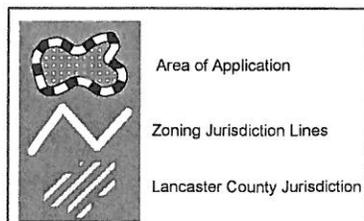
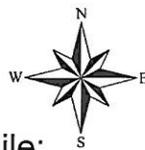
Annexation #: AN14005
Schwisow Limited Landfill
SW 56th & W O St

2013 aerial

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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.25 T10N R05E



007

LEGAL DESCRIPTION:

THAT PART OF LOT 29 I.T. LOCATED IN THE NE 1/4 OF SECTION 25, TOWNSHIP 10 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SAID SECTION 25; THENCE S00°08'46"W, ON THE EAST LINE OF THE NE 1/4 OF SAID SECTION 25, 485.13 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING ON THE SAID EAST LINE, S00°08'46"W, 1435.27 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BURLINGTON NORTHERN & SANTA FE RAILROAD, ALSO BEING A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5629.65 FEET, A CENTRAL ANGLE OF 13°53'39", A CHORD (1361.86 FEET) THAT BEARS N69°05'57"W; THENCE ON AN ARC OF SAID CURVE TO THE RIGHT, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF BURLINGTON NORTHERN & SANTA FE RAILROAD, 1365.20 FEET; THENCE N00°39'46"W, 1419.69 FEET, TO A POINT ON THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 25; THENCE N89°20'14"E, ON THE SAID NORTH LINE, 286.54 FEET; THENCE S00°39'49"E, 468.62 FEET; THENCE S89°43'10"E, 1000.39 FEET, TO THE POINT OF BEGINNING.

CONTAINING A TOTAL CALCULATED AREA OF 39.03 ACRES.

008



File No. 14-0098
August 22, 2014

Mr. Marvin Krout, AICP
Director of Planning
Christy Eichorn, Planner
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: D & R DEVELOPMENT INC.
Administrative Amendment to Special Permit #1773
Change of Zone from 'AG' to 'I-1' and 'A-G' to 'H-3'
Annexation

Dear Marvin,

On behalf of Roger Schwisow, we request Annexation of 39.03 acres, a Change of Zone from 'AG' to 'H-3' on 2.31 acres adjacent to West 'O' Street and a Change of Zone from 'AG' to 'I-1' on 35.96 acres which is located to the south of the proposed and existing 'H-3' zoning. We also request an administrative amendment to the Limited Landfill Permit of Special Permit #1773.

This development is located at approximately SW 56th Street & West 'O' Street. The annexation and change of zones are requested to bring the current uses into compliance with the zoning district.

Most of the area within the limits of the limited landfill permit has been removed from the floodplain. An approval Letter of Map Revision based on Fill (LOMR-F) was received on November 15, 2000 from FEMA. Their case number was listed as 00-07-588A. The administrative amendment to the landfill permit updates the application to reflect this revision, a site for a temporary concrete paving plant, as well as the actual grading currently underway and for the future.

Please contact me if you have any questions or comments.
Sincerely,

A handwritten signature in black ink, appearing to read 'Marcia L. Kinning', written in a cursive style.

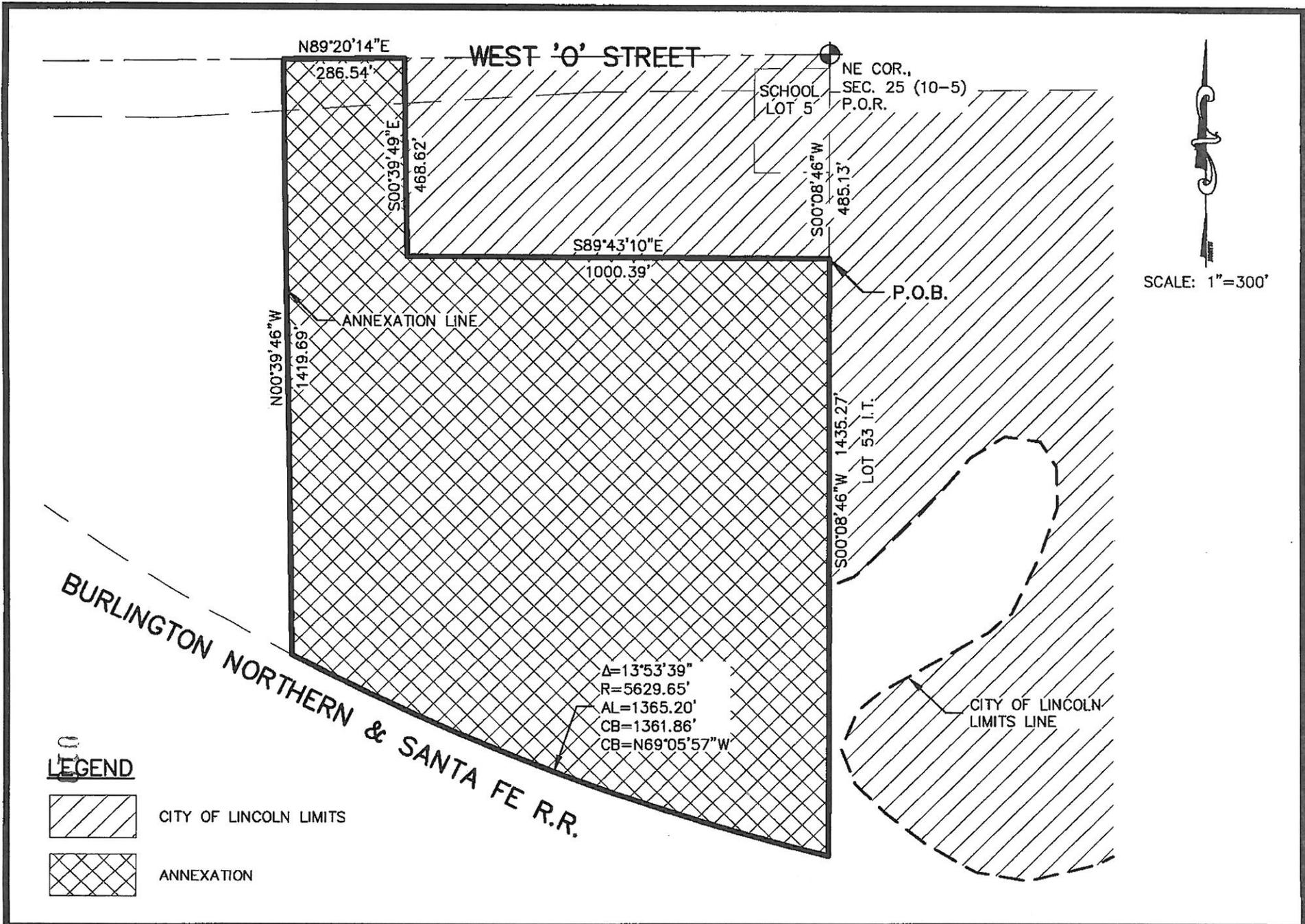
Marcia L. Kinning

Cc: Roger Schwisow

Enclosures: Admin. Amend./COZ/Annexation Application
Admin. Amend. Application Fee of \$165.00
Change of Zone Application Fee of \$792.00

009

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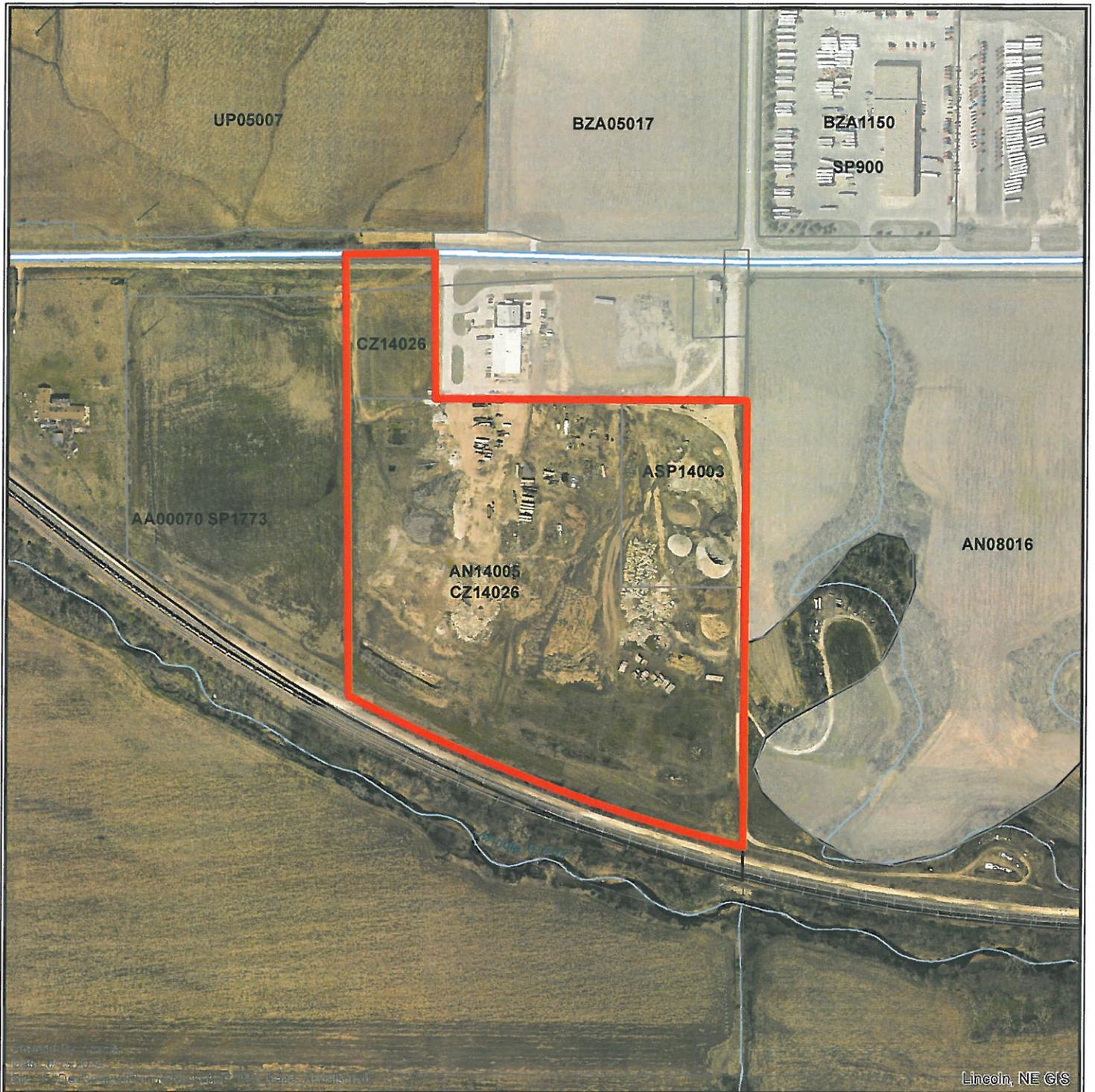


E.S.P., INC.
CONSULTING ENGINEERS

601 OLD CHENEY RD., SUITE 'A'
LINCOLN, NEBRASKA 68512
421-2500 OR 421-7096 FAX

ANNEXATION EXHIBIT

DATE: 8.21.14
SCALE: 1"=300'

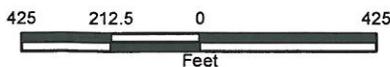


LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT



Information Technology Services,
 535 South 10th Street
 Lincoln, Nebraska 68508
 Ph: 402-441-7499 Fax: 402-441-0577

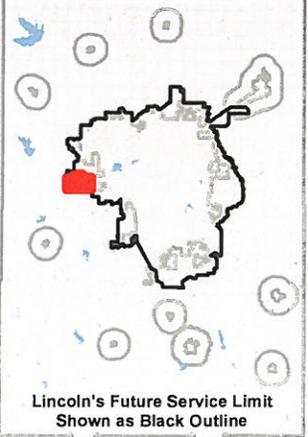
Sections: 25-10-05, 30-10-06



Consult the detailed Application information at
<http://www.lincoln.ne.gov/asp/city/plan/permapp.asp>

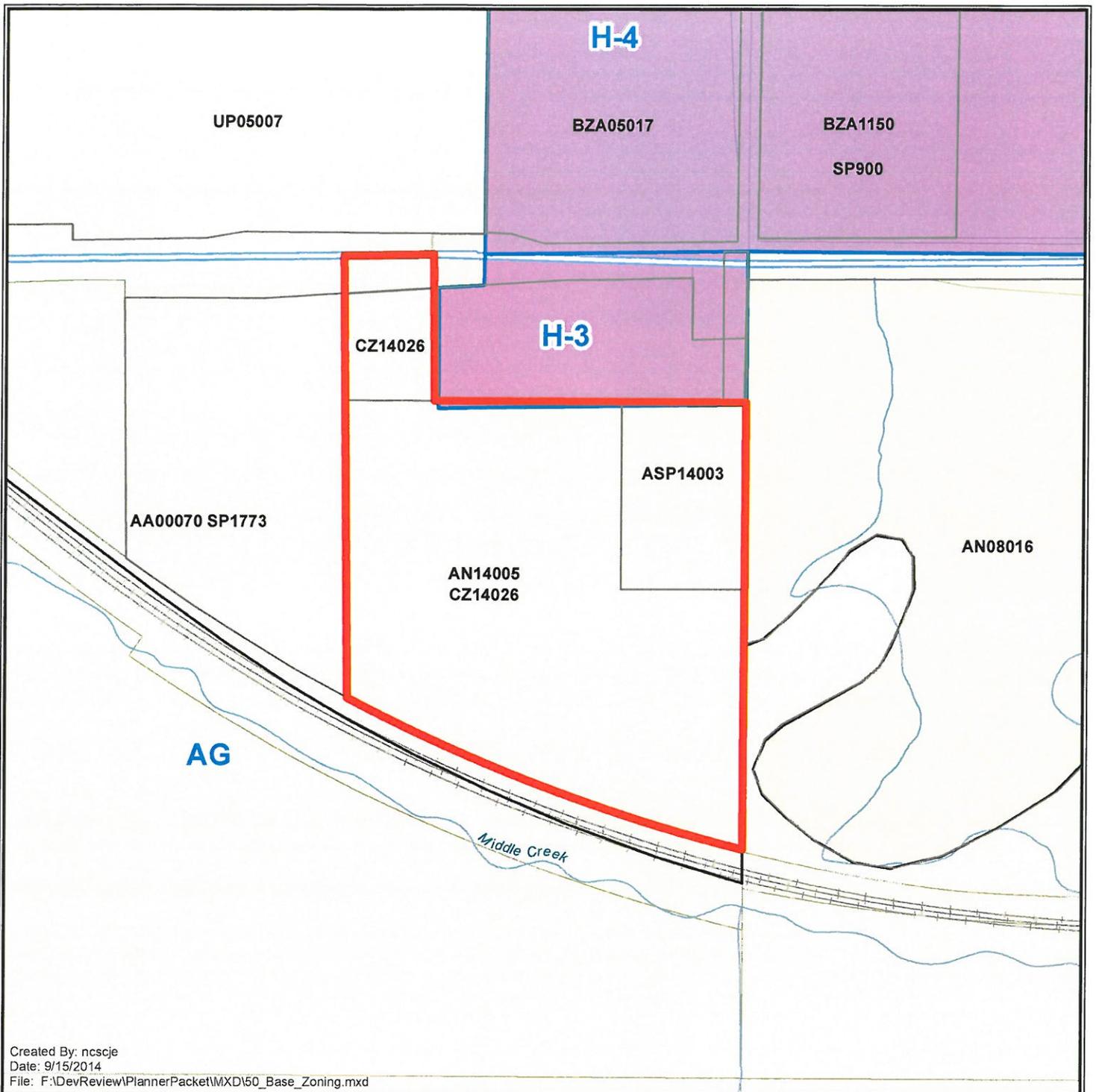
Application Number
AN14005

Location Overview



011

Lincoln's Future Service Limit
 Shown as Black Outline



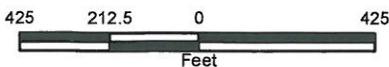
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LINCOLN - LANCASTER COUNTY
 PLANNING DEPARTMENT



Information Technology Services
 555 South 10th Street
 Lincoln, Nebraska 68508
 Ph: 402.441.7491 Fax: 402.441.6977

Sections: 25-10-05, 30-10-06



Consult the detailed Application information at
<http://www.lincoln.ne.gov/asp/city/plan/permapp.asp>

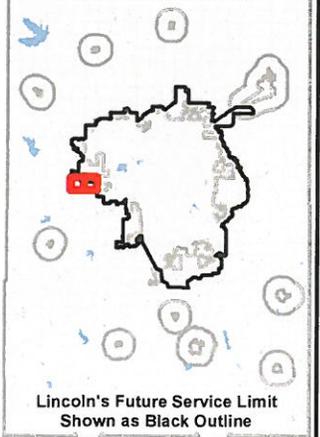
Application Number

AN14005

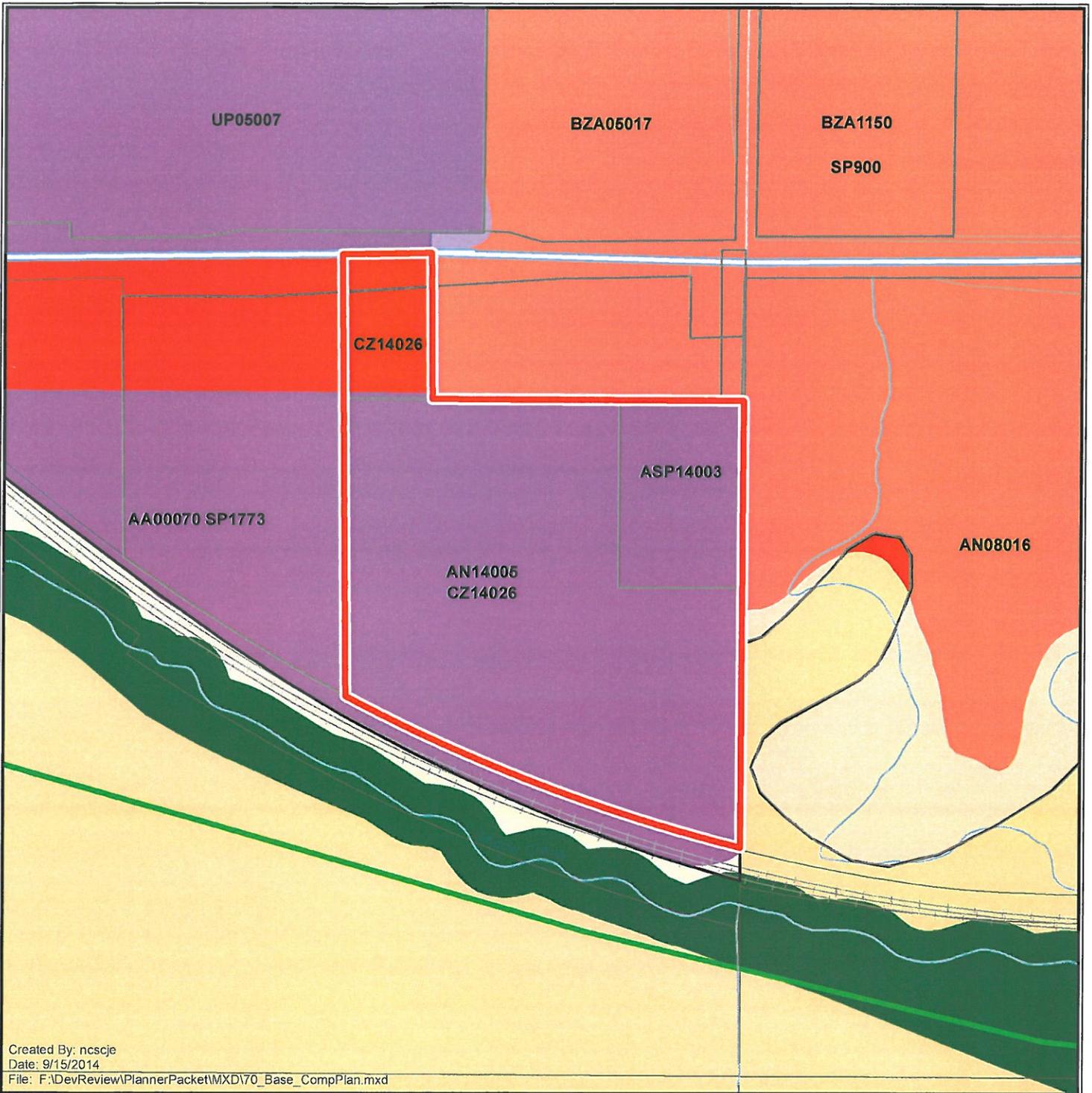
Current Zoning

- | | |
|------------------------------|-------------------------------|
| Boundaries & Labels | O-2 Suburban Office |
| AG Agriculture | O-3 Office Park |
| AGR Agricultural Residential | B-1 Local Business |
| R-1 Residential | B-2 Planned NBHD Business |
| R-2 Residential | B-3 Commercial |
| R-3 Residential | B-4 Lincoln Center Business |
| R-4 Residential | B-5 Planned Regional Business |
| R-5 Residential | H-1 Interstate Commercial |
| R-6 Residential | H-2 Highway Business |
| R-7 Residential | H-3 Highway Commercial |
| R-8 Residential | H-4 General Commercial |
| R-T Residential Transition | I-1 Industrial |
| P Public Use | I-2 Industrial Park |
| O-1 Office | I-3 Employment Center |

Location Overview



012



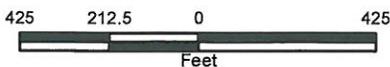
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LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT



Information Technology Services
 555 South 10th Street
 Lincoln, Nebraska 68508
 Ph: 402.441.7491 Fax: 402.441.0377

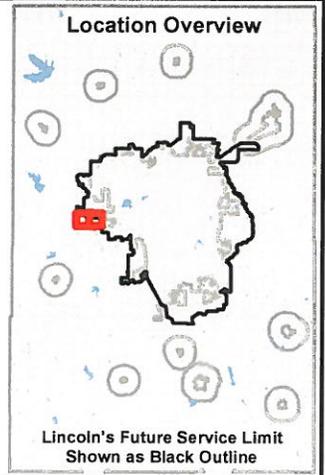
Sections: 25-10-05, 30-10-06



Application Number AN14005

Future Landuse(2040 Comp. Plan)

- Potential Large Employer Opportunity Areas
- Open Space
- Res - Low Density Beyond 2040
- Agricultural
- Residential - Low Density
- Residential - Urban Density
- Ag Stream Corridor
- Commercial
- Industrial
- Public & Semi-Public
- Lakes & Streams
- Environmental Resources



U13

Consult the detailed Application information at
<http://www.lincoln.ne.gov/asp/city/plan/permap.asp>

Application Information Fact Sheet

Application Number: **AN14005**

Parcels: 0425200007000, 0425200006000, 1030100005000, 0425200997000, 1030100004000

City Council District: **No value detected** County Board District: **2, 6**

Section/Township/Range: **25-10-05**

Location Findings:

Intersecting Applications: **AA00070, CZ14026, AN14005, ASP14003, SP1773**

Zoning: **H-3, AG**

Pre-1979 Zoning: **No value detected**

Post-1979 Zoning: **Agricultural Residential District**

Existing Landuse: **Light Industrial, Ag Production:Crops/Tree Farms**

Future Landuse: **Industrial, Commercial**

Subdivisions-City: **No value detected**

Subdivisions-County: **No value detected**

Growth Tiers: **Tier I Priority B**

Fire District: **Southwest**

Historic District: **No value detected**

Traffic Analysis Zones: **222, 408**

Home Owner Assoc(s): **No value detected**

Neighborhood Assoc(s): **No value detected**

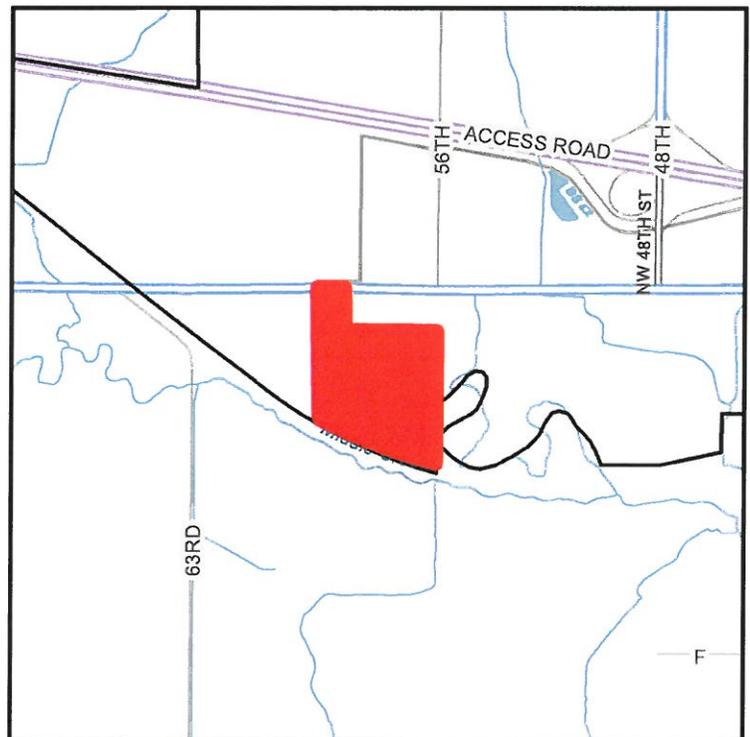
Annexation(Ord. #): **0**

Annexation Agreement: **No value detected**

Drainage Basin: **Middle Creek**

Intersecting Entities:

Trails:	No
Railroad Lines Present:	No
Beltway Corridor Protection:	No
Beltway Corridor:	No
Historic Sites Present:	No
Cell Towers Present:	No
Streams:	No
Lakes:	No
FEMA Floodplain:	Yes
Salt Creek Storage Area:	No
New Growth Flood	No
Standard Exemption Area:	
Endangered Species:	No
Prime Ag Soils:	Yes
City Subdivisions:	No
Capitol Environs District:	No
Capitol View Corridor OD:	No
Capitol View Corridors:	Yes
Building Line Districts:	Yes
BIDs(UDD):	No
Redevelopment Areas(UDD):	Yes
Blighted Areas(UDD):	Yes
SIDs:	No
William Pipeline:	Yes
Airport Approach Elev.(1248):	No
Airport Zoning District:	Yes
Airport Noise Contours:	No
Airport Noise District:	Yes
Airport Runway Protection Zones:	No
Church (Planning Landuse - 100ft Buffer):	No
Church (Assessor Parcels - 100ft Buffer):	No
Elderly/Retirement Housing:	No
School Sites:	No
Parks(100ft Buffer):	No
Daycare Facilities(100ft Buffer):	No



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