

FACTSHEET

TITLE: Annexation No. 17013 -
Annex approximately 4 acres
(84th & Pioneers Blvd.)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Planning Department

RECOMMENDATION: Approval (6-0: Beckius, Edgerton, Harris, Washington, Corr, and Scheer voting 'yes'; Joy, Hove and Finnegan absent).

STAFF RECOMMENDATION: Approval.

OTHER DEPARTMENTS AFFECTED: Public Works & Utilities 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 present at hearing.

REASON FOR LEGISLATION:

This is a City-initiated request to annex approximately four acres that are engulfed by the city. The area includes two properties, both of which are partially in the city today.

DISCUSSION / FINDINGS OF FACT:

1. The proposed annexation was heard before the Planning Commission on September 27, 2017, as part of the Consent Agenda.
2. The staff recommendation of approval of this annexation request is based upon the "Analysis" as set forth on pp.3-4, concluding that the area was recommended for annexation in the 2017 Annexation Study completed by the Planning Department. Both properties have main buildings that are already in the city today. Typically it is confusing and best to avoid having urban lots that are partially in the city and partially out of the city limits. This situation particularly creates jurisdictional confusion with emergency services.
3. On September 27, 2017, the Planning Commission voted 6-0 to recommend approval of this annexation request.
4. Should this annexation request be approved, the Planning staff is recommending that the Council ordinance assign the newly annexed area to **Council District #2**.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: September 29, 2017

REVIEWED BY: David R. Cary, Director of Planning

DATE: September 29, 2017

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER
Annexation #17013

FINAL ACTION?
No

OWNER
Jerry Kroeger
St. Mark's United Methodist Church

PLANNING COMMISSION HEARING DATE
September 27, 2017

RELATED APPLICATIONS
None

LOCATION
S 84th Street & Pioneers Boulevard

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a City-initiated request to annex approximately four acres that are engulfed by the city. The area includes two properties, both of which are partially in the city today.



JUSTIFICATION FOR RECOMMENDATION

The area was recommended for annexation in the 2017 Annexation Study completed by the Planning Department. Both properties have main buildings that are already in the city today. Typically it is confusing and best to avoid having urban lots that are partially in the city and partially out of the city limits. This situation particularly creates jurisdictional confusion with emergency services.

APPLICATION/STAFF CONTACT

Andrew Thierolf, Planning Department
(402) 441-6371, athierolf@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Per the Annexation Policy in the Comprehensive Plan, the City should annex areas in Growth Tier 1, Priority B that are engulfed by the city. The area to be annexed is in Growth Tier 1, Priority C; however, the main buildings for each lot are already within the city and can be served with utilities.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as Urban Residential on the 2040 Lincoln Area Future Land Use Plan.

Pg. 1.10 - This site is shown in Tier 1, Priority C on the Growth Tier Map.

The ANNEXATION POLICY- page 12.14-12.15 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 that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. 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 & SERVICES

- A. Sanitary Sewer: The rear portion of both lots is likely not sewerable by gravity; however, injector pumps can be used to move waste across individual premises. The main portions of each lot, which are already in the city, could be served by gravity sewer. City sewer is already located on the south lot. A local main could be constructed to serve the north lot. Installation would be at the cost of the property owners. Connection to city sewer is not required for the north lot.

- B. Water: Water mains surround the site. A local (tappable) main is adjacent to the south lot. A local main could be constructed to serve the north lot. Installation would be at the cost of the property owners.
- C. Roads: No new roads are included in this annexation.
- D. Fire Protection: The rural portions of each lot are technically within the Southeast Rural Fire District, even though the main buildings are within Lincoln Fire and Rescue (LFR) jurisdiction. Upon annexation, the entirety of both lots would be within LFR jurisdiction. The nearest fire station is on 84th Street, south of A Street, approximately one mile from this site. That station will be moving to 84th Street and Pioneers Boulevard, adjacent to this site. Fire hydrants are available in S 84th Street along with Pioneers Boulevard.

ANALYSIS

1. This request is to annex approximately 4 acres that are engulfed by the City. The area includes portions of two lots, both of which are partially within the City today. The north lot is a residential acreage with a house that is already within city limits. The south lot includes St. Mark's United Methodist Church, which is already within city limits. The property owners are not requesting the annexation; the applicant is the City of Lincoln.
2. This site was identified for annexation in the 2017 Annexation Study completed by the Planning Department (see attached page on this area from the study). The annexation recommendation is based on the Annexation Policy found in the Comprehensive Plan and page 2 of this staff report. The complete study is available at lincoln.ne.gov keyword: annstudy17.
3. The following paragraph from the Annexation Policy describes areas appropriate for annexation.

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 that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. 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.

The 2017 Annexation Study used this policy to identify four specific criteria for annexation. Areas that meet at least one of the following criteria may be appropriate for annexation. This site meets multiple criteria (B and D), so it is appropriate for annexation.

- a. *Land in Tier I Growth Area, Priorities A and B.* This site is within Tier I, Priority C; however, the main buildings on each lot are already within the City.
 - b. *Land which is engulfed by the city limits.* This site is completely surrounded by the city.
 - c. *Land which is contiguous to the city limits and in urban zoning.* This site is zoned AGR, so it is not in urban zoning.
 - d. *Land which is contiguous to the city limits, in agricultural zoning, in which basic infrastructure is in place or planned in the near term, and is in urban character.* This site includes portions of two urban lots, so it is urban in character. The specific areas to be annexed may be difficult to sewer by gravity; however, injector pumps can be used to move waste across each lot. The main portions of each lot are sewerable by gravity.
4. Reasons for annexation include:
 - a. Equity for taxpayers. Property owners surrounding this area pay city taxes. These properties should be subject to the same tax levy as their neighbors.
 - b. Clarity for emergency services. The surrounding areas, and the main portion of these lots, are served by LFR. The rural portions of each lot are technically within the Southeast Rural Fire District. The properties would be served by LFR upon annexation.
 - c. Allow for continued growth of Lincoln in an efficient and orderly fashion. As Lincoln continues to grow, it doesn't make sense to have areas in rural jurisdictions surrounded by the City.

5. The 2017 assessed value of this land is approximately \$335,000. Estimated annual property tax revenue for the City, based on the existing levy, would be approximately \$1,100.
6. The Firethorn neighborhood, located to the east of this site, is served by a private sewer line with a temporary pump station. The acreage properties directly to the east along 88th Street and Taliesin Drive (not in Firethorn) are nearly engulfed by the City; however, they do not have access to public sewer. The only way for them to get sewer would be to tap into the private main utilized by Firethorn. Therefore, since public utilities are not available, they are not being recommended for annexation at this time. Public sewer will not be available for this site until the Stevens Creek trunk main is extended. The current Stevens Creek project in the Capital Improvements Plan (CIP) ends at Van Dorn Street. The acreage properties will be re-evaluated for annexation when the project is complete and public sewer is available.
7. The City of Lincoln’s ability to annex property comes from state authorization. Per Nebraska Revised Statute 15-104, the City Council may “at any time” annex “any contiguous or adjacent lands, lots, tracts, streets, or highways”. Additional information about state statutes and court cases relating to annexation in Nebraska can be found in the 2017 Annexation Study.
8. The existing zoning is AGR Agriculture Residential. This application would not change the zoning on the site.
9. City staff conducted four informational meetings in August to answer property owners’ questions about annexation.

EXISTING LAND USE & ZONING: Rear portion of two urban lots, including a residence and church
 AGR, Agriculture Residential

SURROUNDING LAND USE & ZONING

North:	Residential	R-1 Residential
South:	Church	AGR
East:	Residential	R-1
West:	Residential	AGR

APPROXIMATE LAND AREA: 4 acres

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: City Council District #2

LEGAL DESCRIPTION: The east portion of Lot 40, Lot 41, and the northeast portion of Lot 42, located in the SW 1/4 of Section 2-9-7, Lancaster County, Nebraska.

Prepared by

Andrew Thierolf, Planner

September 18, 2017

Applicant/ Andrew Thierolf
Contact: Lincoln-Lancaster County Planning Department
 (402) 441-6371, athierolf@lincoln.ne.gov

Owners:	Jerry Kroeger	St. Mark’s United Methodist Church
	3800 S 84 th Street	8550 Pioneers Boulevard
	Lincoln, NE 68506	Lincoln, NE 68520

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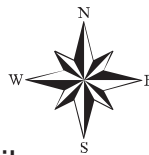
2016 aerial

**Annexation #: AN17013
S 84th St & Pioneers Blvd**

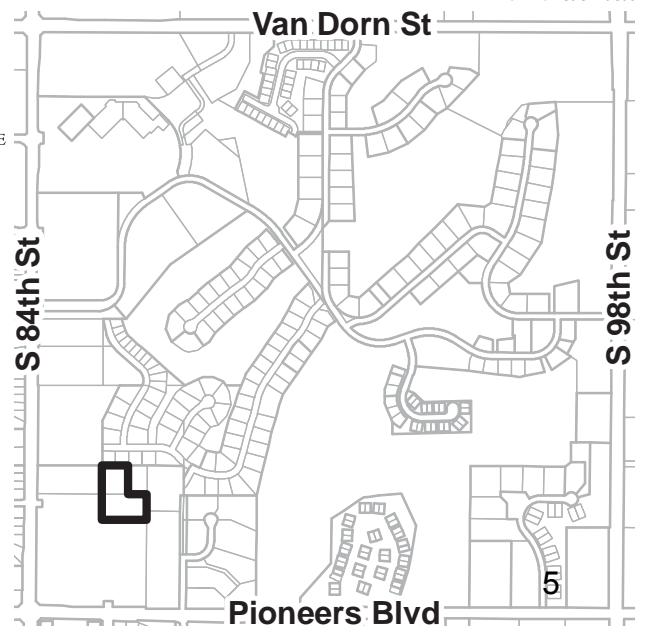
Zoning:

- 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.02 T09N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits



AREA H

S 84TH STREET & PIONEERS BOULEVARD

Area	4 Acres
Uses	Rear portion of two lots that are already within the City
Assessed Valuation	\$335,000
Zoning	AGR
Comprehensive Plan	Growth Tier I, Priority C (the main uses for each premises are already within the City)
Current Jurisdictions	Lincoln Public Schools Southeast Rural Fire and Rescue

Both of these parcels are almost completely surrounded by existing City. The north parcel shares the same owner as the parcel to the west, which is already in the City. It contains an accessory building that is split between County and City jurisdiction. The south parcel is owned by the adjacent church, which is in the City. It makes sense to annex these parcels since they are both portions of larger premises that are already inside the City.

The nearest LFR station is at 84th Street south of A Street, approximately one road mile from this area. The current station will be replaced with one near 84th Street and Pioneers Boulevard.

UTILITIES

The main uses on each premises already have access to City water and sewer.

ROADS

No new City roads are included in this annexation.

SUMMARY OF ESTIMATED CITY COSTS AND REVENUES

Annual City Costs and Revenues				One-Time Payments by City	
Property Tax ¹	Wheel Tax	Motor Vehicle Tax	Streets O&M	Rural Fire Costs	Rural Water Costs
\$1,100	\$0	\$0	\$0	\$0 ²	\$0 ³

1. Taxes are based on 2016/2017 rates and 2017 proposed valuations.
2. The fire department has no net dept per the formula used to calculate reimbursement.
3. This area is not within the RWD boundary



Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
County Engineer	ken schroeder	1	Recommend Approval	Upon review, this office has no direct objections to this submittal. September 11, 2017 (kds)	First In Group
County Health	chris schroeder	1	Recommend Approval	<p>Water wells existing when annexation occurs may continue to exist and be used for domestic (household) or non-domestic (irrigation) use if the use is consistent with the use prior to annexation. An annual well permit is required for all wells within the city limits. Unused wells must be properly decommissioned by a licensed well driller.</p> <p>If the city sewer system is more than 300 feet away from the building or premise, the building or premise may maintain its current on-site wastewater system provided the system is not failing. When the city sewer is within 300 feet and available the building or premise must connect to the city sewer. The existing system must then be properly abandoned a licensed wastewater treatment system installer.</p>	Individual
Development Review Manager	steve henrichsen	1	Recommend Approval		Individual
Fire Department	patrick borer	1	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application.	Individual
Lincoln Police Department	sgt randy clark	1	Recommend Approval	Lincoln Police approves this annexation. Yet, with the same comments as noted on other annexation proposals. Staffing levels need to be maintained for police personnel to provide timely service to pending increases in calls for service that are a result of Lincolns growth.	First In Group
Long Range Manager	paul barnes	1	Recommend Approval		Individual
Lower Platte South NRD	kyle hauschild	1	Recommend Approval	ok	Individual
Public Works - Engineering Services	brion perry	1	Recommend Approval	9-7-17	First In Group

ANNEXATION NO. 17013

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

September 27, 2017

Members present: Beckius, Corr, Edgerton, Harris, Scheer and Washington; Hove, Finnegan and Joy absent.

The Consent Agenda consisted of the following items: **TEXT AMENDMENT NO. 17016, SPECIAL PERMIT NO. 2004A, ANNEXATION NO. 17010, ANNEXATION NO. 17012, ANNEXATION NO. 17013, CHANGE OF ZONE NO. 17026, and CHANGE OF ZONE NO. 17027.**

Scheer disclosed he had a brief conversation with Nebco and advised them to contact the Planning Department to make comments.

Hove declared a conflict of interest on Change of Zone No. 17026 and exited the Chambers.

The following items were removed from the Consent Agenda to have separate Public Hearing: **Annexation No. 17010 and Annexation No. 17012.**

Beckius moved approval of the remaining Consent Agenda, seconded by Washington and carried 6-0: Beckius, Corr, Edgerton, Harris, Washington, and Scheer voting 'yes'; Hove declared a Conflict of Interest, Finnegan and Joy absent.

Note: This is a recommendation to the City Council on all items.

Hove returned to the chambers at 1:10 P.M.