

City Council Introduction: **Monday**, June 11, 2001
Public Hearing: **Monday**, June 18, 2001, at **1:30 p.m.**

Bill No. 01-97

FACTSHEET

TITLE: ANNEXATION NO. 01004, requested by the Director of Planning, to annex approximately 270 acres generally located north of Yankee Hill Road between South 14th Street and South 27th Street.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/30/01
Administrative Action: 05/30/01

RECOMMENDATION: Approval (8-0: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward, and Taylor voting 'yes'; Hunter absent).

FINDINGS OF FACT:

1. The Planning staff recommendation to approve this annexation request is based upon the "Analysis" as set forth on p.3-4, concluding that this annexation proposal is in conformance with the Comprehensive Plan. Specifically, it meets the annexation policies of the plan and is within the future service limit. This area has been surrounded by the city. Even though a proposal is in conformance within the future service limit, the City should only approve an annexation when the infrastructure is in place or has been provided for in the City's CIP or by the applicant. In this case, the area has been engulfed by the City and utilities will become available as the area develops. Specific utility costs will be negotiated when the landowners apply for zoning and/or subdivisions.
2. Testimony in opposition is found on p.5.
3. The Planning Commission agreed with the staff recommendation, specifically noting that it is city policy to annex property that is surrounded or engulfed by the City.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 4, 2001

REVIEWED BY: _____

DATE: June 4, 2001

REFERENCE NUMBER: FS\CC\FSA01004

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Annexation 01004

DATE: May 16, 2001

PROPOSAL: Application by the Director of Planning to annex property generally located north of Yankee Hill Road between S. 14th Street and S. 27th Street.

GENERAL INFORMATION:

APPLICANT: Director of Planning
555 S. 10th Street - Suite 213
Lincoln, NE 68508

CONTACT: Jason Reynolds
(402) 441-7620

LOCATION: Generally located north of Yankee Hill Road between S. 14th Street and S. 27th Street.

REQUESTED ACTION: Approval of annexation.

LEGAL DESCRIPTION: All of Irregular Tract lots 10, 79, 32, 50 and 76 and a portion of Irregular Tract Lots 18, 20, 21, and 25, all located in Section 24, T9N, R6E of the 6th P.M., Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture

SIZE: Approximately 270 acres

SURROUNDING LAND USE AND ZONING: B-2 and H-4 zoned commercial uses to the northeast; R-4 residential uses to the north; R-3 residential to the northwest; zoned R-3 to the south; Vavrina Meadows 1st zoned AG but requesting R-3 and H-4 to the west.

COMPREHENSIVE PLAN SPECIFICATIONS: IN CONFORMANCE. The 1994 Lincoln/ Lancaster County Comprehensive Plan designates this area as Urban Residential. This is shown as Phase I and is inside the "Anticipated Future Service Limit" according to Figure 65 on page 197.

SPECIFIC INFORMATION:

DESCRIPTION OF PROPERTY: Farmland and acreage housing with 5 dwelling units.

UTILITIES & SERVICES:

A. **Sanitary Sewer:** The existing Southeast Salt Creek trunk sewer serves development to the west.

- B. **Water:** A 16 inch water main is in S. 14th Street, and the Capital Improvements Program indicates the construction of a 24" distribution main in Yankee Hill in 2003-4.
- C. **Roads:** S. 14th Street is currently under construction for a four lane facility. S. 27th Street is paved and the 1-25 Year Program identifies it as having four through lanes, left turn lane, raised medians and 100 ft. of right-of-way. The 1-25 Year Program shows Yankee Hill Road as having four through lanes, two left/one right turn lanes, raised medians, and 120 ft. of right-of-way. Yankee Hill Road is also shown as a Public Way Corridor.
- D. **Parks and Trails:** The Existing and Future Trails map shows a trail along the north side of Yankee Hill Road.
- E. **Fire Protection:** Portions of the area are currently served by the Southwest Rural Fire District and portions of the area are served by the Southeast Rural Fire District. The nearest Lincoln fire station is at S. 27th and Old Cheney.
- F. **Schools:** This area is in the Rokeby School District #152. Upon annexation it will automatically be in the Lincoln Public School District.

ANALYSIS:

1. This annexation was originally considered at the time of the Vavrina Meadows 1st Annexation/Preliminary Plat. At that time, the city had not established a per acre fee for contributing to the cost of the sanitary sewer line that was built to serve the area. Resolution A-80821, approved by City Council on May 7, 2001, applies a sewer connection fee of \$351.25 per acre to this area to be paid at time of connection.
2. This annexation is in conformance with the Comprehensive Plan. Specifically, it is within the future "Lincoln Service Limit" as shown on Figure 65, "Anticipated Lincoln Service Limit and Phasing Plan" on page 197 of the 1994 Lincoln/ Lancaster County Comprehensive Plan.
3. The annexation policies on page 191 of the Plan state:
 - ! *"Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous 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 (i.e., police, fire). Voluntary annexation agreements may limit or outline the phasing, timing or development of utility services (i.e., water, sewer) and may include specific or general plans for the financing of improvements to the infrastructure and the land uses of the area.*
 - ! *Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county."*

4. This property meets the Comprehensive Plan's policy for annexation since:
 - a) it is surrounded by the urban area and is awaiting future development with urban uses,
 - b) it is engulfed by the City limits with the annexation of the Vavrina Meadows 1st Preliminary Plat, and
 - c) utilities are becoming available as the area develops.
5. Failure to annex this property would create problems for providing public services and responses in emergencies.

CONCLUSION:

This annexation proposal is in conformance with the Comprehensive Plan. Specifically it meets the annexation policies of the plan and is within the future service limit. This area has been surrounded by the city.

Even though a proposal is in conformance within the future service limit, the City should only approve an annexation when the infrastructure is in place or has been provided for in the City's CIP or by the applicant. In this case, the area has been engulfed by the City and utilities will become available as the area develops. Specific utility costs will be negotiated when the landowners apply for zoning and/or subdivisions.

STAFF RECOMMENDATION: Approval.

Prepared by:

Jason Reynolds
Planning

ANNEXATION NO. 01004

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 30, 2001

Members present: Krieser, Carlson, Taylor, Duvall, Newman, Schwinn, Steward and Bayer; Hunter absent.

Planning staff recommendation: Approval.

This annexation request was removed from the Consent Agenda and had separate public hearing.

Jason Reynolds of Planning staff appeared to answer any questions. The Director of Planning has requested this annexation. It is city policy to annex property that has become completely surrounded by the City Limits. The recent approval of Vavrina Meadows 1st Addition makes this area completely engulfed by the city.

Opposition

1. James Drake, 7900 South 14th Street, testified in opposition. He appeared at the time of the Vavrina Meadows zoning issues. He understands that this is an annexation by the City versus a voluntary annexation. He has been provided no information. His house will now receive city services, even though the annexation of Vavrina Meadows passed on a very controversial 4-3 vote before the Council. He inquired as to the schedule to provide the city services to these residences. The only thing he has learned is that this Commission has a very important role and anytime the Commission approves a development on a vote of 8-0, it becomes very difficult to change that process around.

Dennis Bartels of Public Works advised that there is typically no timing as far as serving the individual property owners. When annexed, they have a right to request an assessment district or some means to get the water and sewer there. An outlet to the trunk sewer is in place but there are no specific plans or timing in place for serving the individual properties until they request water or sewer service.

Steward inquired whether this means a majority of the affected property owners must request the district. Bartels advised that sewer and water can be built at the request of one property owner. It does not take a majority petition to order sewer and water mains to be constructed. It is a City Council decision.

Bayer wondered whether police and fire protection occur instantaneously with annexation. Bartels believes that the city would be responsible once the property is annexed. The city either serves it or works out an interlocal agreement with some of the rural services.

Bayer asked what benefit it is to the property owners to be annexed. Reynolds suggested that the primary benefit is that it provides public services for response in emergencies. This area, if not annexed, would be a small piece of county jurisdiction completely surrounded by city, which could create confusion and problems in dispatching emergency vehicles to the area. With the annexation, there are some options for provision of fire protection, including fire protection contracted by the city

through the rural fire district, or individual water lines and hydrants could be installed such as what will happen in Vavrina Meadows 1st Addition.

Newman inquired whether the staff communicates with property owners that are going to be annexed. Reynolds stated that the Planning Department sends a letter to the property owners proposed to be annexed and attempts to answer the frequently asked questions. Reynolds confirmed that the property owners may keep their well and septic.

Public hearing was closed.

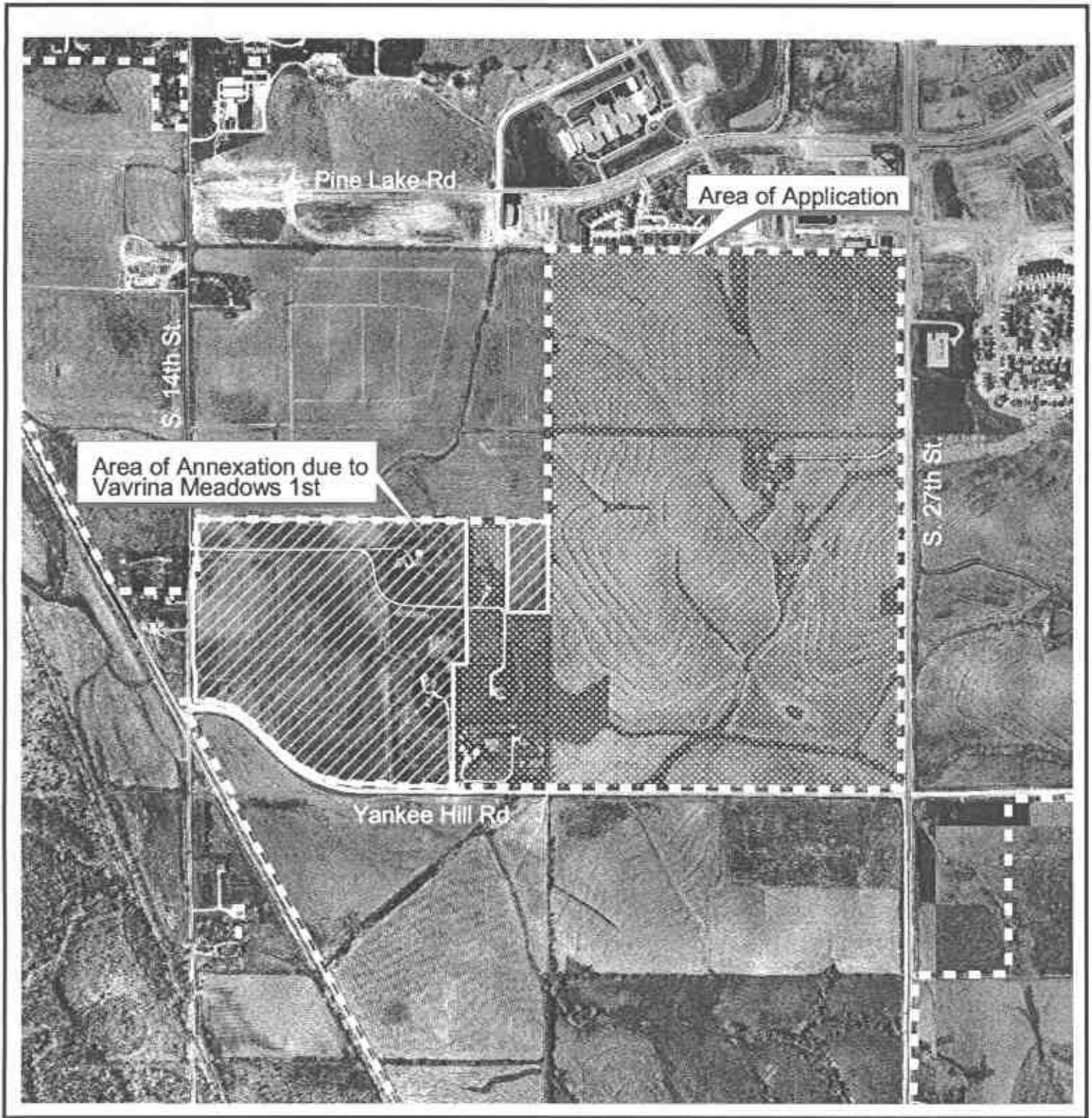
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 30, 2001

Schwinn moved approval, seconded by Duvall.

Schwinn commented that sometimes for individual property owners this may be troubling; however, this is a very, very longstanding policy of our community that a piece of property completely surrounded by the city is annexed and we do not allow islands to exist. It has been a good policy and has served us well. He sees no reason to change that policy now.

Motion for approval carried 8-0: Krieser, Carlson, Taylor, Duvall, Newman, Schwinn, Steward and Bayer voting 'yes'; Hunter absent.



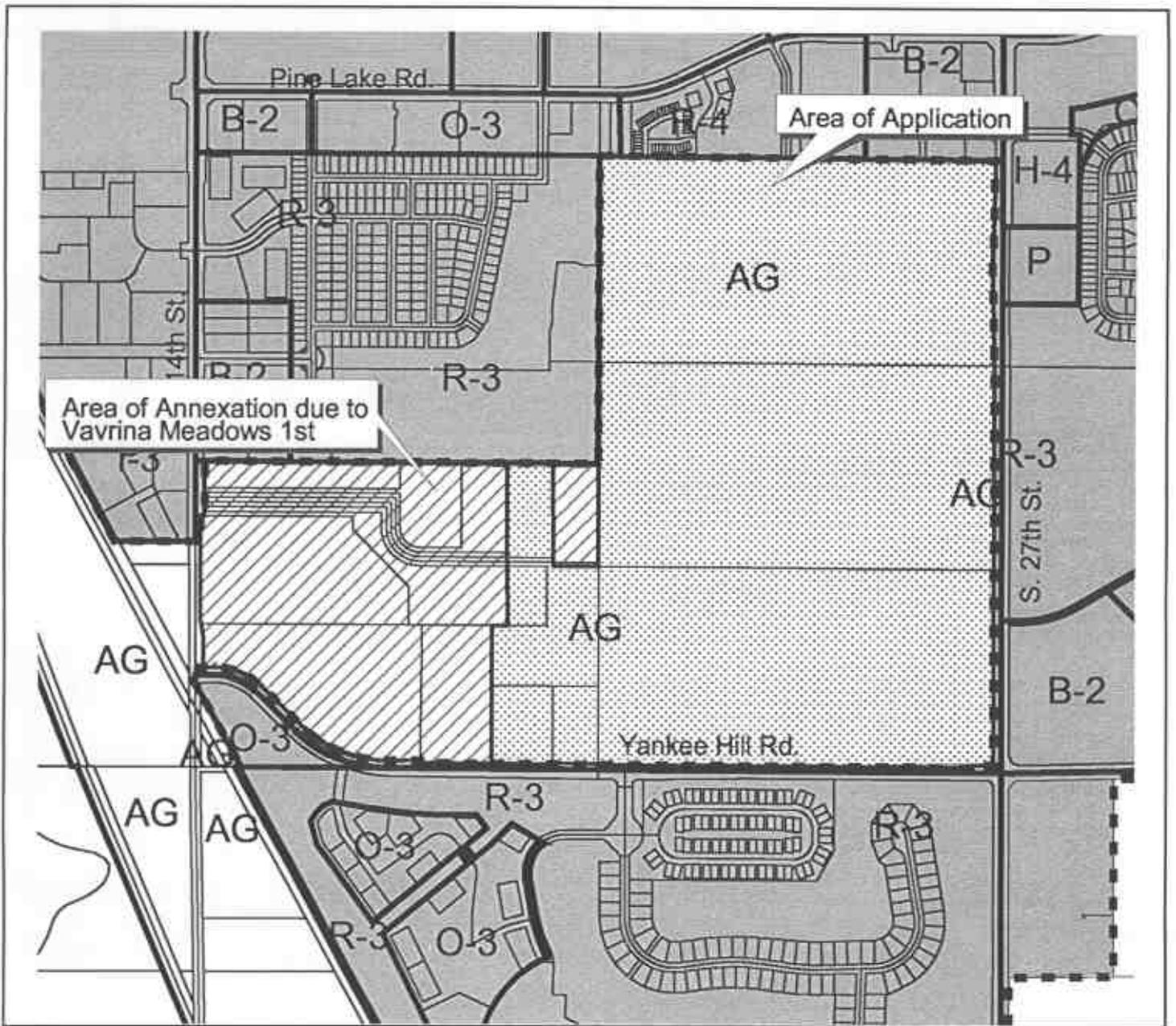
Annexation #01004
S. 14th & Yankee Hill Rd.



Date: MAY 16, 2001

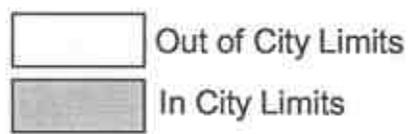
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Lincoln City - Lancaster County Planning Dept.

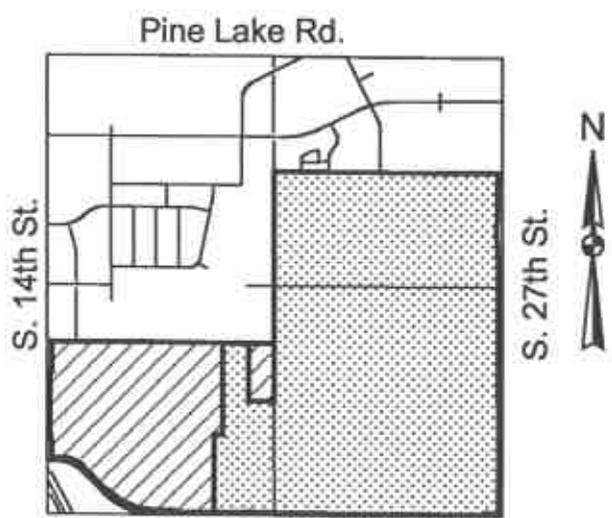
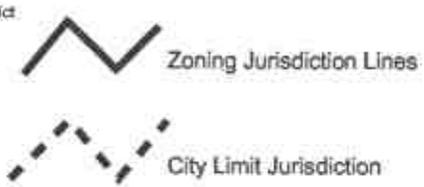


**Annexation #01004
S. 14th & Yankee Hill Rd.**

- Zoning:**
- R-1 to R-8 Residential District
 - AG Agricultural District
 - AGR Agricultural Residential District
 - R-C Residential Conservation 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. 24 T9N R6E



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