

City Council Introduction: **Monday**, July 7, 2003
Public Hearing: **Monday**, July 14, 2003, at **1:30** p.m.

Bill No. 03-102

FACTSHEET

TITLE: **DECLARATION OF SURPLUS PROPERTY**, requested by the Director of Planning, to declare approximately 33.55 acres as surplus property generally located northwest of the intersection of South 84th Street and Pine Lake Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/29/02
Administrative Action: 05/29/02

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan.

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (5-0: Duvall, Newman, Steward, Carlson and Schwinn voting 'yes'; Krieser, Larson, Bills-Strand and Taylor absent).

ASSOCIATED REQUESTS: Annexation No. 02003 (03-101)

FINDINGS OF FACT:

1. This proposal to declare surplus property (**Comprehensive Plan Conformance No. 02003**) and the associated Annexation No. 02003 were heard at the same time before the Planning Commission.
2. The staff recommendation is based upon the "Analysis" as set forth on p.4-5, concluding that declaring the outlots used for open space, a golf course and recreational trails as surplus property is in conformance with the Comprehensive Plan.
3. The staff presentation and Planning Commission discussion is found on p.6-7.
4. Bill Austin testified in support on behalf of SID #2 of Lancaster County and the Pine Lake Association (p.7).
5. There was no testimony in opposition.
6. On May 29, 2002, the Planning Commission found the proposed declaration of surplus property to be in conformance with the Comprehensive Plan.
7. This application and the associated annexation of Sanitary & Improvement District #2 of Lancaster County were not immediately forwarded to the City Council at the request of City staff. The delay was requested to allow time for City sanitary sewer service to be extended to the SID so the existing package treatment facility owned by the SID could be decommissioned.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 30, 2003

REVIEWED BY: _____

DATE: June 30, 2003

REFERENCE NUMBER: FS\CC\2003\CPC.02003 Surplus

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 29, 2002 PLANNING COMMISSION MEETING

P.A.S.#: Comprehensive Plan Conformance #02003
Sanitary and Improvement District (S.I.D.) #2 (Pine Lake)

PROPOSAL: Finding that the declaration of surplus property for Outlots G, H, I, J, K, L, M and N, Pine Lake 5th Addition and Outlot AAA, Pine Lake 8th Addition is in conformance with the Comprehensive Plan.

LAND AREA: Approximately 33.55 acres.

CONCLUSION: Declaring the outlots used for open space, a golf course and recreational trails is in conformance with the Comprehensive Plan.

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| <u>RECOMMENDATION:</u> | Find that this request is in conformance with the Comprehensive Plan, provided the City retains easements for public utilities and land for streets. |
|-------------------------------|--|

GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlots G, H, I, J, K, L, M and N, Pine Lake 5th Addition and Outlot AAA, Pine Lake 8th Addition, Lancaster County, Nebraska.

LOCATION: Northwest of the intersection of South 84th Street and Pine Lake Road.

EXISTING ZONING: AGR Agricultural Residential

EXISTING LAND USE: Open Space, Golf Course, Recreational Trails

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|---|-----|
| North: | Vacant (single-family residential proposed) | R-3 |
| South: | Single-family Residential | AGR |
| East: | Single-family Residential | AGR |
| West: | Single-family Residential | AGR |

ASSOCIATED APPLICATIONS: ANN#02003 - A request to annex Sanitary and Improvement District #2 (Pine Lake).

HISTORY: This application received a recommendation of approval by a vote of 5-0 from the Planning Commission at their **May 29, 2002** meeting. This application and the associated Pine Lake annexation application (ANN#02003) were not immediately forwarded to the City Council at the request of City staff. The delay was requested to allow time for City sanitary sewer service to be

extended to the S.I.D. so the existing package treatment facility owned by the S.I.D. could be decommissioned.

City Council approved the interlocal agreement with the Pine Lake S.I.D. **May 13, 2002** to allow connection to the City's water system.

SP#277H - An amendment to the Pine Lake CUP was approved **June 14, 2001** to allow a reduced front yard setback for Lot 20, Pine Lake Addition.

SP#277G - An amendment to the Pine Lake CUP was approved on **November 17, 1999** to allow cellular telephone antennas on the Pine Lake water tower.

SP#277F - An amendment to the Pine Lake CUP was approved on **November 1, 1999** to allow a reduction in the side yard setback from 15 feet to 10 feet on Lots 76 - 85, Pine Lake 4th Addition.

SP#277E - An amendment to the Pine Lake CUP was approved on **November 23, 1998** to allow reduction in the front yard setback from 40' to 35' and to the side yard setback from 10' to 5' on Lot 3, Block 3, Pine Lake 5th Addition.

SP#277D - An amendment to the Pine Lake CUP was approved on **April 6, 1987**, allowing a revised layout for those lots along Barkley Drive, South 83rd Street and Horseshoe Drive.

SP#277C - This amendment was withdrawn on **February 3, 1986**.

SP#277B - An amendment to the Pine Lake CUP was approved **June 24, 1985** allowing a reduction in the front yard setback from 50' to 40' and the side yard setback from 15' to 10' on Blocks 3, 4, and 5, Pine Lake 5th Addition.

Revised Preliminary Plat of Pine Lake and Pine Lake 8th Addition - The revised preliminary plat and the 8th Addition final plat were approved **May 22, 1985** and **July 15, 1987**, respectively.

Pine Lake 6th Addition - The final plat was approved **October 24, 1977**.

SP#277A - An amendment to the Pine Lake CUP was approved on **February 9, 1976**, allowing a reduction in the side yard setback from 15' to a 5' on those lots less than 90' in width measured at the 30' front yard line and to 10' on those lots 90' or more in width on Blocks 1 through 5, Pine Lake 5th Addition.

Pine Lake 5th Addition - The final plat of Pine Lake 5th Addition was approved **July 25, 1973**, and included Outlot G for the golf course.

Revised Preliminary Plat Pine Lake and Pine Lake 4th Addition - The revised preliminary plat of Pine Lake and Pine Lake 4th Addition were approved **February 24, 1971**, and expanded the area included in the plat east to South 84th Street including a conceptual plan for a golf course.

Pine Lake 3rd Addition - The final plat of Pine Lake 3rd addition was approved **December 23, 1970**.

Pine Lake 2nd Addition - The final plat of Pine Lake 2nd Addition was approved **March 8, 1964**.

SP#277 - A special permit revising the Pine Lake C.U.P. was approved **September 8, 1964**.

Pine Lake Addition - The final plat of Pine Lake Addition (the western portion of the Pine Lake S.I.D. surrounding the lake) was approved **June 28, 1961**.

SP#209 - The original C.U.P. for Pine Lake was approved **June 28, 1961**.

Pine Lake - The preliminary plat of Pine Lake was approved **June 28, 1961**.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan designates the Pine Lake S.I.D. as Low Density Residential, with the golf course and trails designated as Parks and Open Space.

UTILITIES: This area is inside the future urban service area shown in the Comprehensive Plan. The S.I.D. is served by a community wastewater treatment system that is operated and maintained by the S.I.D. Water is provided to the S.I.D. by the City via a connection to an existing line in South 84th Street per the interlocal agreement approved in 2002.

ANALYSIS:

1. This request accompanies the application to annex the Pine Lake S.I.D. The purpose of this request is to determine whether declaring the outlots as surplus property is in conformance with the Comprehensive Plan.
2. As noted in the ANN#02003 staff report, the City has initiated annexation of the Pine Lake S.I.D. To accommodate providing the S.I.D. with water in advance of annexation, but with the understanding that annexation is imminent, an interlocal agreement between the Pine Lake S.I.D. and the City was approved by the City Council on May 13, 2002. Provision #10 of that agreement states that “the City will commence the process to declare all of the outlots currently owned by the S.I.D. to be surplus property as the City has no present use for and desires to avoid any liability related to the outlots and the structures and facilities located thereon including, in particular, but not limited to, the Pine Lake water tower and the water wells.”
3. After annexation, the S.I.D. ceases to exist and the City acquires all assets and liabilities, including the subject outlots.
4. The Parks and Recreation Department does not want to be responsible for the golf course. The remaining City Departments have been advised of this declaration of surplus property and do not object.
5. An annexation agreement has been drafted to accompany ANN#02003 for City Council consideration. It stipulates the conditions under which the annexation will occur.

6. The outlots requested to be declared surplus are designated as parks and open space in the Land Use Plan of the Comprehensive Plan. Declaring them surplus and deeding them back to the Homeowners Association after annexation of the Pine Lake S.I.D. will allow the outlots to remain as a golf course and trails, uses that are consistent with parks and open space designation of the Comprehensive Plan.
7. The conditions of the community unit plan provide that the outlots will remain as open space.

Prepared by:

Brian Will, AICP
Planner

June 30, 2003

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**ANNEXATION NO. 02003
and
MISCELLANEOUS NO. 02003,
DECLARATION OF SURPLUS PROPERTY**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 29, 2002

Members present: Duvall, Newman, Steward, Carlson and Schwinn; Krieser, Larson, Bills-Strand and Taylor absent.

Staff recommendation: A finding of conformance with the Comprehensive Plan.

Brian Will of Planning staff provided background on this proposal. The city has been in discussions for the last couple of years with the Pine Lake SID #2 concerning the possibility of annexation. Recent events have brought the issue to the forefront. Most notably, the Planning Commission considered late last year, the preliminary plat and annexation of Parker's Landing. With the approval of that preliminary plat and annexation, the Pine Lake SID just to the south became contiguous and adjacent to the City. The SID receives its water supply from three wells. Shortly after the Parkers Landing approval, one of the three wells failed. It is the responsibility of the SID to provide water so they were in the position of having to make up that shortfall. On May 13, 2002, the city entered into an Interlocal Agreement with the Pine Lake SID #2 to allow connection to City water to make up that shortfall in water supply. The connections are in South 84th Street. Those connections are due to be made by June 25, 2002. The Interlocal Agreement provides that the SID acknowledge that annexation is imminent.

Will explained that the question before the Planning Commission is compliance with the Comprehensive Plan. The staff has reviewed the annexation as to compliance with the Comprehensive Plan, and specifically the staff reviewed it as to compliance with the policy that land which is contiguous may be annexed and annexation generally applies opportunity to access the services. The water connections will be made to existing water lines in South 84th Street. The property is developed as single family residential. The staff finds that this area is generally developed urban in character, is contiguous to the city limits and generally has city utilities available or planned for.

With regard to the declaration of surplus property, this specifically relates to the properties cross-hatched on the map, being those properties currently developed as golf course, recreational trails and open space. The Parks and Recreation Department has no interest in maintaining or being liable for these facilities and staff has made the recommendation that those properties be declared surplus and deeded back to one of the remaining entities after annexation, either the homeowners association or the tennis and golf association.

Will observed that the new Comprehensive Plan was adopted on May 28, 2002. The staff recommendation remains the same under the new Comprehensive Plan policies.

Steward inquired as to why the lake and lake edges are not being declared surplus. Will explained that the lake is owned by the Pine Lake Association as opposed to the SID.

Newman noted that the surplus property would become private property for the homeowners. She wondered whether the neighborhood to the north would be able to use the property. Will did not anticipate that there will be any difference in the use of the outlots after they are deeded back to the homeowners association.

2. Bill Austin, Erickson & Sederstrom, testified in support on behalf of the SID #2 of Lancaster County and Pine Lake Association.

There was no testimony in opposition.

Public hearing was closed.

ANNEXATION NO. 02003

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 29, 2002

Carlson moved to approve the staff recommendation as to conformance with the Comprehensive Plan, seconded by Duvall.

Newman applauded the staff for sending the information to the Pine Lake residents and holding the information meeting. It is wonderful information and she believes that is why we don't have a lot of people here because it answered their questions ahead of time.

Motion carried 5-0: Duvall, Newman, Steward, Carlson and Schwinn voting 'yes'; Krieser, Larson, Bills-Strand and Taylor absent.

COMPREHENSIVE PLAN CONFORMANCE NO. 02003

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 29, 2002

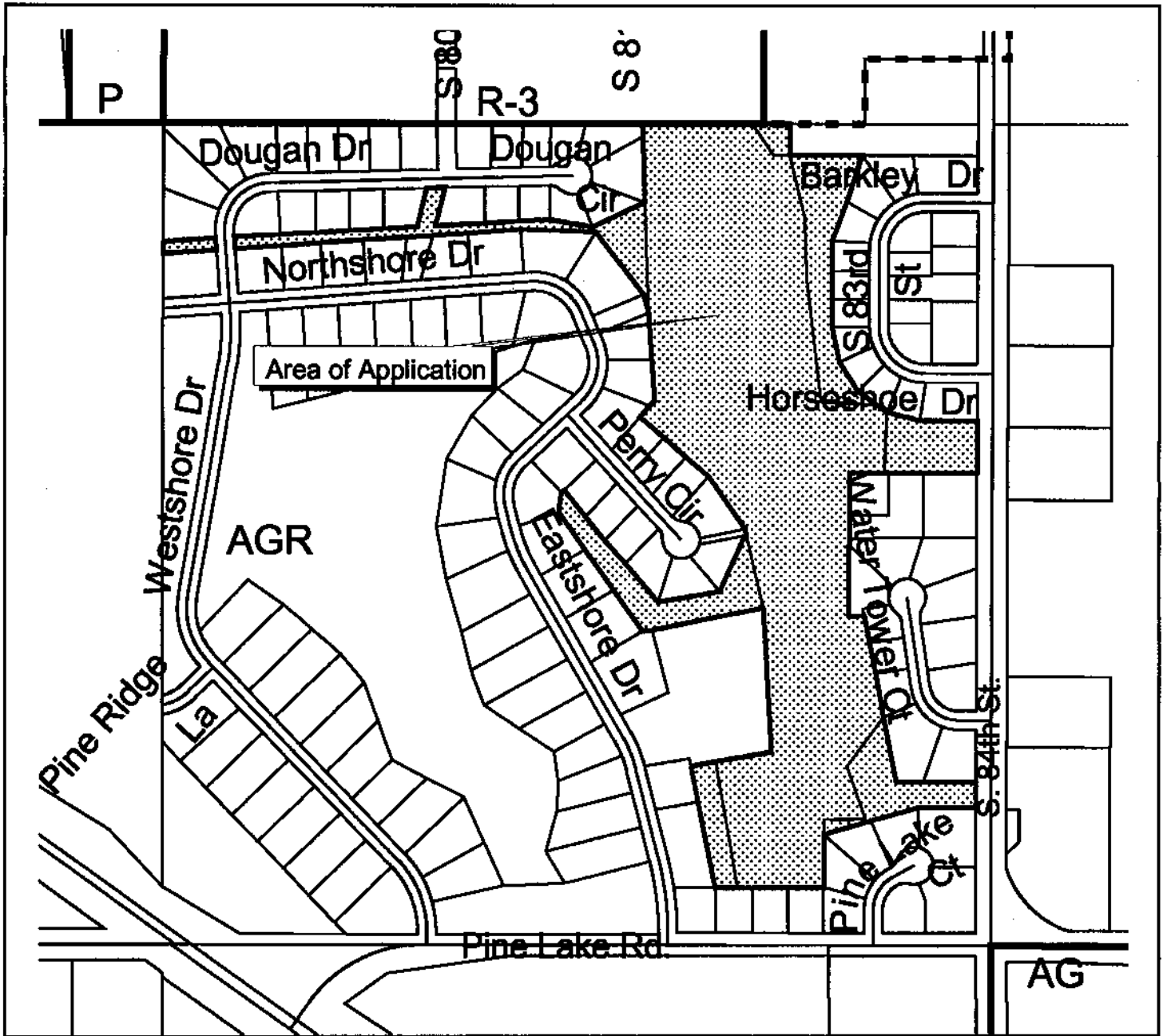
Carlson moved to approve the staff recommendation as to conformance with the Comprehensive Plan, seconded by Duvall and carried 5-0: Duvall, Newman, Steward, Carlson and Schwinn voting 'yes'; Krieser, Larson, Bills-Strand and Taylor absent.



Comp. Plan Conformance #02003
S. 84th & Pine Lake Rd.



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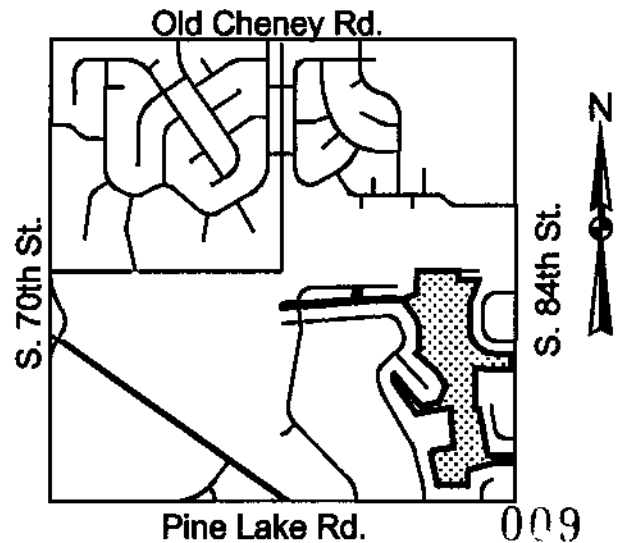
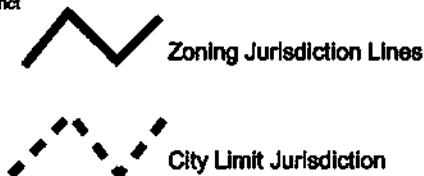


**Comp. Plan Conformance #02003
S. 84th & Pine Lake Rd.**

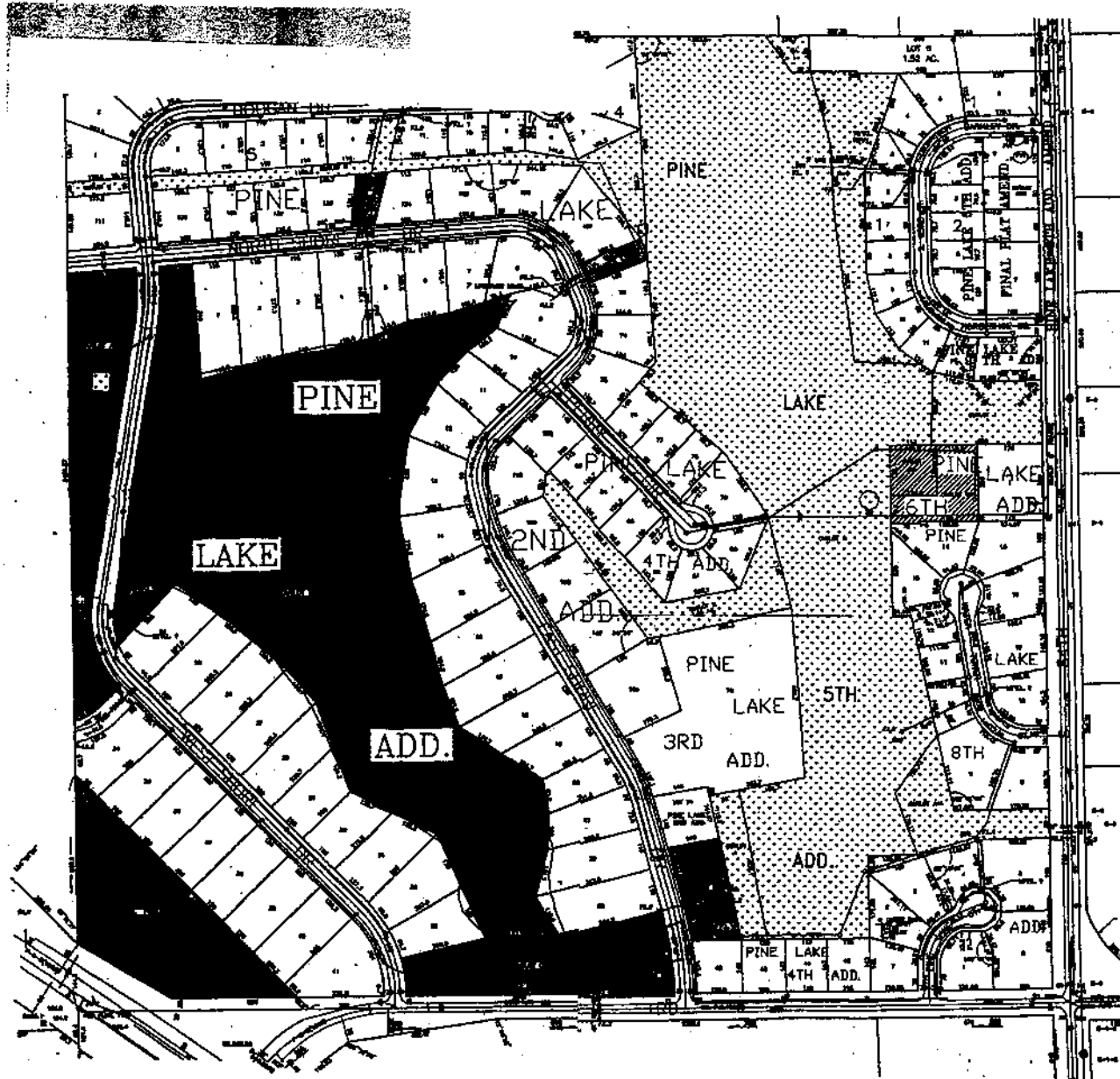
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conversion 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. 15 T9N R7E



Pine Lake Rd. 009



- [Solid Black] PINE LAKE ASSOCIATION
 [Dotted Pattern] S.D. No. 2
 [Hatched Pattern] PINE LAKE GOLF AND TEAMS



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OUTLOT MAP

LANCASTER CO. SANITARY & IMPROVEMENT DISTRICT NO. 2

LINCOLN NEBRASKA 1998

drawn by: [initials]
 checked by: [initials]
 plotted by: [initials]
 printing no.: 13111-1
 date: 8/14/98

SHEET 1 OF 1

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