

FACTSHEET

TITLE: **ANNEXATION NO. 05008**, requested by the Director of Planning at the request of the Mayor of the City of Lincoln, to annex approximately 226 acres, more or less, generally located at North 14th Street and Military Road (Nebraska State Fair Park).

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 06/21/06
Administrative Action: 06/21/06

RECOMMENDATION: Approval (8-0: Cornelius, Taylor, Strand, Larson, Carroll, Sunderman, Krieser and Carlson voting 'yes'; Esseks absent).

FINDINGS OF FACT:

1. This is a request to annex Nebraska State Fair Park, consisting of approximately 226 acres, more or less.
2. The staff recommendation to find the proposed annexation to be in conformance with the Comprehensive Plan is based upon the "*Analysis*" as set forth on p.4, concluding that the proposed annexation conforms to the adopted policies on land being located contiguous to the city limits and accessible to public services.
3. The minutes of the public hearing before the Planning Commission are found on p.6.
4. Tam Allan testified in support on behalf of the Nebraska State Fair Board, although he stated that the Board had not taken an official position on the proposal (p.6).
5. There was no testimony in opposition.
6. On June 21, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed annexation to be in conformance with the Comprehensive Plan.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 3, 2006

REVIEWED BY: _____

DATE: July 3, 2006

REFERENCE NUMBER: FS\CC\2006\ANNEX.05008

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 21, 2006 PLANNING COMMISSION MEETING

PROJECT #: Annexation # 05008 - Nebraska State Fair Park

PROPOSAL: Application by the Director of Planning at the request of the Mayor of the City of Lincoln to annex Nebraska State Fair Park.

LOCATION: North 14th Street and Military Road

LAND AREA: Approximately 226 acres

CONCLUSION: The proposed annexation conforms to the adopted policies on land being located contiguous to the city limits and accessible to public services.

RECOMMENDATION:	Find that this request is in conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: All those portions of Lots 14, 15, 45, 69, 71, 72, 73, 74, 75, 79, 80, 104, and 167 irregular tracts located in Section 13-10-6, of the 6th P.M. not previously annexed.

EXISTING LAND USE AND ZONING: State Fairgrounds P Public

SURROUNDING LAND USE AND ZONING:

North:	Industrial, Highway Commercial	I-1, H-3
Northeast:	Theresa Street Wastewater Treatment Facility	P Public
South:	Rail yard	I-1 Industrial
	Single- and two-family dwellings	R-4 Residential
East:	Industrial, Commercial, Mobile home court	I-1, H-3
West:	Industrial, Commercial	I-1, H-3
	Nebraska Military Dept., UN-L Trans. Services	P Public
	Single- and two-family dwellings	R-4 Residential

HISTORY:

November 2, 2004 - Amendment 4 was approved by Nebraska voters, creating the Nebraska State Fair Support and Improvement Cash Fund. The State Fair is eligible to receive disbursements of state lottery revenue if the City of Lincoln provides a 10% "match" from public or private funds.

May 25, 2005 - Amendment 4 went into effect, stating "(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most

populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state.” Nebraska State Constitution, Article III-24 3a(iv)

This calculation equates to a local contribution of approximately \$200,000 annually based on current lottery proceeds. This local contribution is subject to change as lottery proceeds change.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F27 - The proposed annexation is within the City’s Future Service Limit.

Pages F154-155 - The Comprehensive Plan’s Annexation Policy. Some relevant excerpts are as follows:

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 water 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.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** The City of Lincoln currently provides sanitary sewer service to State Fair Park. There are easements for trunk lines through the park, however, the State Fair owns and maintains all internal sewer services. These existing private systems will remain private upon annexation.
- B. **Water:** The City of Lincoln currently provides water service to State Fair Park via three master meters. Two along North 14th Street, and one at the northeast corner of the park. The Park’s internal distribution system is private, and will remain so following annexation.
- C. **Roads:** Roadways within State Fair Park are not in dedicated right-of-way and are not presently maintained by Public Works. These roadways will remain private upon annexation.
- D. **Fire and Police Protection:** This property is within the Raymond Rural Fire District, but is historically served by Lincoln Fire and Rescue via a standard mutual aid

agreement. Based on the Rural Fire District Annexation Adjustment Model, no contribution to the Raymond Fire District will be required upon annexation since the property to be annexed is not taxed and the Raymond Fire District has no net debt.

The Lancaster County Sheriff currently provides law enforcement at State Fair Park. If approved, the Lincoln Police Department would respond to law enforcement calls at State Fair Park and will be responsible for providing protection to State Fair Park. The cost of responding to Police calls has not been estimated.

As state property and a state event, the Nebraska State Patrol provides law enforcement during the State Fair. After annexation, the Nebraska State Patrol would be expected to continue to provide law enforcement during the State Fair.

ANALYSIS:

1. The annexation policy of the Comprehensive Plan states:

- Land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.

The City surrounds State Fair Park on all sides.

- Annexation generally implies the opportunity to access all City services.
- 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 beyond the corporate limits of the City. (F 154)
- 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. (F 154)

State Fair Park is currently served with City water, wastewater, and fire & rescue services. Annexation will bring it into conformance with the policies above.

- 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."

State Fair Park is already connected to City services.

2. The Emergency Communications 9-1-1 Center notes that there are currently three unnamed streets within State Fair Park. 9-1-1 Center requests that the State and/or State Fair work with City staff to name these streets.

3. Currently, the State collects 5.5% sales tax from sales on the Sate Fair property. After annexation, the City will collect a 1½ percent local sales tax from sales at the State Fair and other events throughout the year. Since the State Fair Board is a nonprofit entity and does not now pay the 5.5% state sales tax, the State Fair Board would not pay the 1.5% local

sales tax on items it purchases. Based on 2005 taxable revenues, the City calculates it may see annual sales tax revenues of \$100,000.

Prepared by:

Brian Will
Planner
May 31, 2006

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ANNEXATION NO. 05008

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 21, 2006

Members present: Cornelius, Taylor, Strand, Larson, Carroll, Sunderman, Krieser and Carlson; Esseks absent.

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

Ex Parte Communications: None

Staff presentation: Brian Will of Planning staff explained that this is a request for annexation of approximately 226 acres known as Nebraska State Fair Park. Staff has made a recommendation to find that this request is in conformance with the Comprehensive Plan. Principally, the staff finds that it complies with the city's annexation policy – land which is contiguous and generally urban in character may be annexed, and land engulfed by the city should be annexed. State Fair Park is completely surrounded by the City of Lincoln. Secondly, the annexation generally implies the opportunity to access all city services. Currently, State Fair Park is served by all municipal services, city sewer and water. Relative to fire and police protection, State Fair Park is currently served by the Lincoln Fire and Rescue via a standard mutual aid agreement. The Lancaster County Sheriff currently provides law enforcement, and after annexation, the Lincoln Police will provide police protection.

Support

1. Tam Allan, Board Member of Nebraska State Fair Board, stated that the Fair Board has not taken an official position on this annexation because they have not discussed an annexation agreement; however, in visiting with the state and through cooperation with the Mayor, he would not imagine that the Board would have any opposition as this goes forward to the City Council.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

June 21, 2006

Strand moved a finding of conformance, seconded by Carroll and carried 8-0: Cornelius, Taylor, Strand, Larson, Carroll, Sunderman, Krieser and Carlson voting 'yes'; Esseks absent. This is a recommendation to the City Council.



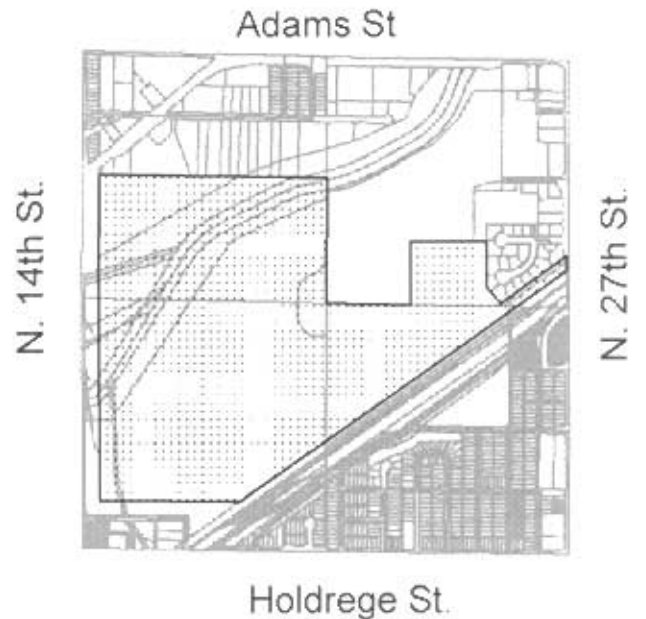
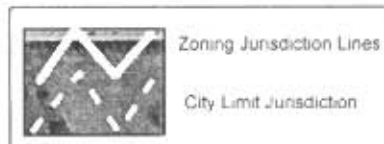
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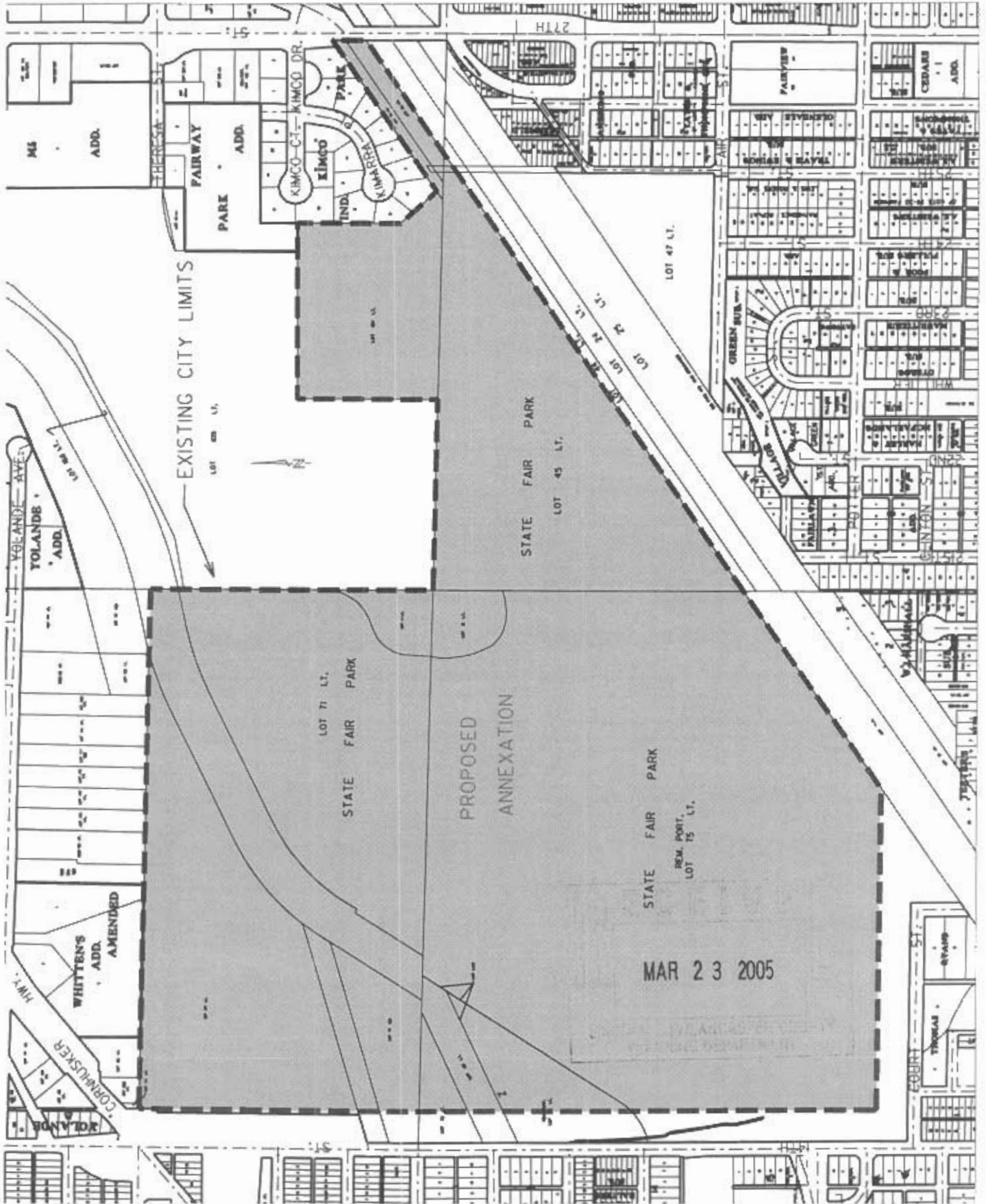
Annexation #05008 State Fair Grounds N 14th & Military Rd.

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. 13 T10N R6E





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