

City Council Introduction: **Monday**, May 18, 2009  
Public Hearing: **Monday**, June 1, 2009, at **1:30 p.m.**

Bill No. 09-44

## **FACTSHEET**

**TITLE:** ANNEXATION NO. 09002, by the Director of Planning at the request of Firethorn Golf, LLC, to annex 1.88 acres, more or less, generally located at South 84<sup>th</sup> Street and Firethorn Lane.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 03/25/09  
Administrative Action: 03/25/09

**RECOMMENDATION:** Approval (9-0: Carroll, Esseks, Francis, Larson, Partington, Cornelius, Gaylor Baird, Taylor and Sunderman voting 'yes').

### **FINDINGS OF FACT:**

1. This is a request to annex 1.88 acres, more or less, of the Firethorn Golf Course, generally located at South 84<sup>th</sup> Street and Firethorn Lane, to construct an accessory building with water and sewer service to house maintenance equipment and related activities.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3, concluding that the proposed building is accessory to the golf course and will house maintenance equipment, and the planned connection to Lincoln's water and sewer systems requires annexation. This request complies with the City's annexation policy and is consistent with the Comprehensive Plan. This annexation does not require a separate annexation agreement.
3. On March 25, 2009, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On March 25, 2009, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

**FACTSHEET PREPARED BY:** Jean L. Preister

**DATE:** May 11, 2009

**REVIEWED BY:** \_\_\_\_\_

**DATE:** May 11, 2009

**REFERENCE NUMBER:** FS\CC\2009\ANNEX.09002

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 25, 2009 PLANNING COMMISSION MEETING

- PROJECT #:** Annexation #09002 - Firethorn Golf Course
- PROPOSAL:** Request to annex approximately 1.88 acres of the Firethorn Golf Course.
- LOCATION:** South 84<sup>th</sup> Street and Firethorn Lane
- LAND AREA:** Approximately 1.88 acres
- CONCLUSION:** The proposed building is accessory to the golf course and will house maintenance equipment, and the planned connection to Lincoln's water and sewer systems requires annexation. This request complies with the City's Annexation Policy, and is consistent with the Comprehensive Plan.

<b>RECOMMENDATION:</b>	Approval
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### GENERAL INFORMATION:

- LEGAL DESCRIPTION:** See attached.
- EXISTING ZONING:** AGR Agricultural Residential

### **SURROUNDING LAND USE AND ZONING:**

North	Golf Course	AGR
South	Office & Parking, Golf Course	AGR, O-3
East	Golf Course	AGR
West	Office and Parking	O-3

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Pg 69** - Future challenges may arise when a growing city or town needs to annex rural acreage areas, such as; acreage infrastructure systems that are not compatible with urban standards, the potential change in the lifestyle of rural acreage owners, financial implications of higher property taxes, and impact on acreage parents and children when the annexation leads to a change in school districts.

**Pg 154** - The Annexation Policy of the 2030 Comprehensive Plan.

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

-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 sewer 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.

-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 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.

## **ANALYSIS:**

1. This a request from Firethorn Golf, LLC for annexation of 1.88 acres of the Firethorn Golf Course.
2. The Golf Course is proposing to construct an accessory building with water and sewer service to house maintenance equipment and related activities.
3. The land proposed for annexation is adjacent to the city limit where it surrounds the Firethorn office development. Connection to city water is available via the private water main in Firethorn Lane. Sanitary sewer is available by connection to a private sewer lift station that serves the adjacent office building and flows into the city's system.
4. The City of Lincoln's annexation policy requires land being served by municipal utilities to be inside the city limit.
5. The zoning on the land will remain AGR, and will also remain part of the Firethorn community unit plan (CUP). An accessory building for the golf course is an allowed use under the CUP, and an amendment to that plan is not required.

Prepared by:

Brian Will  
441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
Planner  
March 9, 2009

**APPLICANT:** Mark Wibel  
Firethorn Golf, LLC  
9301 Firethorn Lane  
Lincoln, NE 68520

**CONTACT:** Mark Palmer  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
(402) 474-6311

## ANNEXATION NO. 09002

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

March 25, 2009

Members present: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor;

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 09002, ANNEXATION NO. 09002, SPECIAL PERMIT NO. 09003 and USE PERMIT NO. 105A.**

Ex Parte Communications: None

Sunderman moved to approve the Consent Agenda, seconded by Taylor and carried 9-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 09003 and Use Permit No. 105A, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



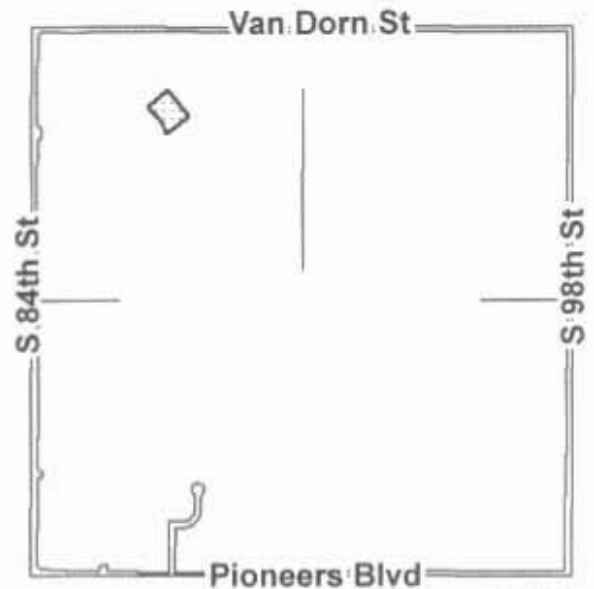
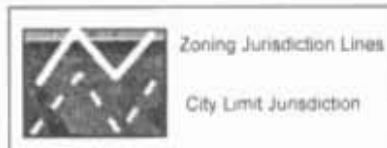
2007 aerial

**Annexation # 09002  
Firethorn Golf Course  
S 84th St & Firethorn Ln**

**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



**LEGAL DESCRIPTION  
ANNEXATION**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "A", FIRETHORN 17<sup>TH</sup> ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A SOUTHEAST CORNER OF OUTLOT "A" FIRETHORN 24<sup>TH</sup> ADDITION, SAID POINT BEING A SOUTHWEST CORNER OF OUTLOT "A" FIRETHORN 17<sup>TH</sup> ADDITION, SAID POINT ALSO BEING ON A NORTH LINE OF OUTLOT "E" FIRETHORN 17<sup>TH</sup> ADDITION; THENCE NORTHERLY ALONG A WEST LINE OF SAID OUTLOT "A" FIRETHORN 17<sup>TH</sup> ADDITION ON AN ASSUMED BEARING OF NORTH 16 DEGREES 19 MINUTES 44 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 449.00 FEET, A CENTRAL ANGLE OF 36 DEGREES 41 MINUTES 25 SECONDS, AN ARC DISTANCE OF 287.52 FEET ALONG SAID WEST LINE, A TANGENT LENGTH OF 148.88 FEET, A CHORD BEARING OF NORTH 03 DEGREES 43 MINUTES 14 SECONDS EAST, AND A CHORD DISTANCE OF 282.64 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 07 DEGREES 11 MINUTES 35 SECONDS, AN ARC DISTANCE OF 56.37 FEET ALONG A WEST LINE OF SAID OUTLOT "A", A TANGENT LENGTH OF 28.22 FEET, A CHORD BEARING OF NORTH 18 DEGREES 13 MINUTES 16 SECONDS WEST, AND A CHORD DISTANCE OF 56.33 FEET TO A POINT; THENCE NORTH 21 DEGREES 49 MINUTES 03 SECONDS WEST ALONG A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 14.11 FEET TO A POINT OF CURVATURE OF A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 329.00 FEET, A CENTRAL ANGLE OF 23 DEGREES 21 MINUTES 31 SECONDS, AN ARC LENGTH OF 134.13 FEET ALONG A SOUTHWEST LINE OF SAID OUTLOT "A", A TANGENT LENGTH OF 68.01 FEET, A CHORD BEARING OF NORTH 33 DEGREES 29 MINUTES 49 SECONDS WEST, AND A CHORD DISTANCE OF 133.20 FEET TO A POINT; THENCE NORTH 45 DEGREES 10 MINUTES 34 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 125.97 FEET TO A POINT; THENCE NORTH 51 DEGREES 03 MINUTES 10 SECONDS EAST, A DISTANCE OF 257.58 FEET TO A POINT; THENCE SOUTH 38 DEGREES 56 MINUTES 50 SECONDS EAST, A DISTANCE OF 324.00 FEET TO A POINT; THENCE SOUTH 51 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 280.66 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 81,693.41 SQUARE FEET OR 1.88 ACRES, MORE OR LESS.



February 25, 2009

Mr. Marvin S. Krout  
Planning Director  
Planning Department  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, Nebraska 68508

RE: Annexation request  
Olsson Project No. 008-0647

Dear Marvin:

On behalf of the owner of Firethorn Golf Course, Firethorn Golf LLC, I am requesting the annexation of a portion of Outlot "A", Firethorn 17<sup>th</sup> Addition into the City of Lincoln. I have attached a metes and bounds legal description and exhibit for your reference.

The proposed annexation is to facilitate the supply of Public Water and Sanitary Sewer to a proposed golf course building planned to be located within this annexed area.

If you require further information or have any questions, please call me at 402.458.5632.

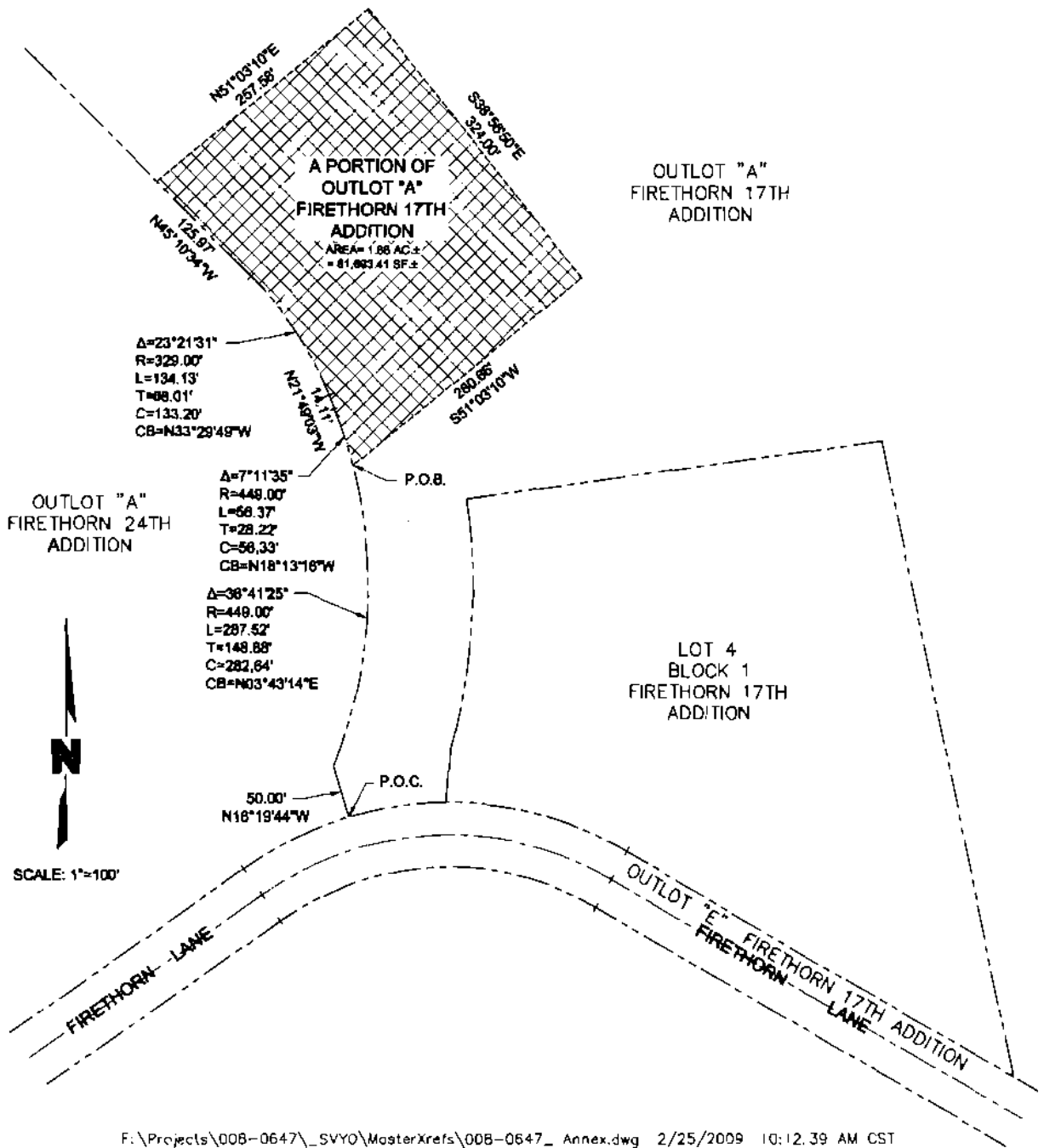
Sincerely,

A handwritten signature in black ink, appearing to read 'Mark C. Palmer', is written over a horizontal line.

Mark C. Palmer P.E.

CC Mark Wible, Firethorn Golf LLC  
Jennifer Strand, Woods & Aitken LLP

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