

City Council Introduction: **Monday**, May 17, 2010  
Public Hearing: **Monday**, May 24, 2010, at **5:30** p.m.

Bill No. 10-49

## **FACTSHEET**

**TITLE:** ANNEXATION NO. 08027, requested by the Director of Planning, to annex approximately 45 acres, more or less, generally located at North 48<sup>th</sup> Street and Doris Bair Circle.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 05/05/10  
Administrative Action: 05/05/10

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

### **FINDINGS OF FACT:**

1. This is a request to annex 44.8 acres, more or less, which is surrounded by the City on the south, west and east sides. A portion of the Lincoln Landfill to the north of this application is within the City Limits. The area to be annexed is within Tier One, Priority A. The land is owned by the Lincoln Trap and Skeet Club and is used as a private outdoor shooting range.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4, concluding that the properties proposed to be annexed can be provided the full range of City services; the properties are urban in character and are contiguous to the City Limits. This annexation proposal is consistent with the City's annexation policy in the Comprehensive Plan which states that land which is engulfed by the City should be annexed.
4. On May 5, 2010, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On May 5, 2010, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

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

**DATE:** May 10, 2010

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

**DATE:** May 10, 2010

**REFERENCE NUMBER:** FS\CC\2010\ANNEX.08027

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for MAY 5, 2010 PLANNING COMMISSION MEETING

**PROJECT #:** Annexation #08027

**PROPOSAL:** Application by the Director of Planning to annex approximately 45 acres.

**LOCATION:** N. 48<sup>th</sup> St. and Doris Bair Circle

**LAND AREA:** 44.8 acres, more or less

**CONCLUSION:** These properties can be provided the full-range of City services, are urban in character, and are contiguous with the city limit. Their annexation is consistent with the City's annexation policy.

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

**LEGAL DESCRIPTION:** Lot 68 SW and Lot 69 SW except the south 60 feet, located in the SW 1/4 of Section 5-10-07, Lancaster County, NE.

**EXISTING ZONING:** I-1, Industrial on the east half and R-3, Residential on the west half.

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

North:	P, Public	Lincoln landfill
South:	I-1, Industrial	Warehouses
	R-3, Residential	Undeveloped
East:	I-1, Industrial	Warehouses
West:	R-3, Residential	Boosalis Park

**EXISTING LAND USE:** Lincoln Trap & Skeet Club

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

This site is designated for environmental resource and commercial in the Future Land Use Plan. (p19)

Environmental Resources: Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie and some floodway and riparian corridors. (p.16)

Priority A of Tier 1

Areas designated for near term development are generally contiguous to existing development and should be provided first with basic infrastructure within the next 6 years. Some infrastructure improvements may be some in the near term while others, such as road improvements that are generally more costly, may take longer to complete. (p 24)

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: (p154)

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.

## **HISTORY:**

- |                |  |
|----------------|--|
| March 2, 2009  | Annexation #08021 to annex land west (Boosalis Park) and south of the application area was approved by the City Council. |
| April 28, 1993 | LPR Industrial Tract final plat located south of the Lincoln Trap & Skeet Club was approved by the Planning Commission.  |
| 1986           | The south 60 feet of the Lincoln Trap & Skeet Club property was annexed.   |

## **SPECIFIC INFORMATION:**

**DESCRIPTION OF PROPERTY:** The property is entirely within the 100 year flood plain. There is developed industrial/warehouse to the south and east. Boosalis Park is located to the west and the landfill is to the north.

## **UTILITIES & SERVICES:**

- A. **Sanitary Sewer:** Available in N. 48<sup>th</sup> St. to serve this area.
- B. **Water:** Available in N. 48<sup>th</sup> St. to serve this area.
- C. **Roads:** N. 48<sup>th</sup> St. is classified as an Urban Collector. The Comprehensive Plan identifies N. 48<sup>th</sup> St. from Doris Bair Cir. to Superior St. as a proposed project for 4 lanes plus turn lanes. This project is not listed in the 2009/10-2014/15 Capital Improvements Program.
- D. **Parks and Trails:** Boosalis Park is located immediately to the west.
- E. **Fire Protection:** Fire Station #2 is located at 1545 N. 33<sup>rd</sup> Street.

## **ANALYSIS:**

1. The proposed area to be annexed is surrounded by the City on the south, west and east sides. A portion of the Lincoln Landfill to the north of this application is within the City limits. The area is within Tier One, Priority A of the 2030 Comprehensive Plan. The Comprehensive Plan states that land which is engulfed by the City should be annexed.
2. An area approximately 60' x 700' along the south property line of the Lincoln Trap & Skeet Club is within the city limits. This area was annexed in 1986.
3. A recent legislative bill, LB503, that was passed in August 2009 allows for an existing shooting range to continue to operate after it is annexed. Previously an outdoor shooting range would not be allowed to operate within the City. Lincoln's ordinance prohibits the discharge of projectiles within the city limits. This annexation was put on hold while the legislative bill was under review.
4. The entire area is within the 100 year flood plain and the eastern half is shown as Environmental Resources on the future land use map.

Prepared by:

Tom Cajka  
Planner

**DATE:** April 19, 2010

**APPLICANT:**

Marvin S. Krout  
Director of Planning  
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**CONTACT:**

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Planning Department  
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# ANNEXATION NO. 08027

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

May 5, 2010

Members present: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 10002, ANNEXATION NO. 08027, ANNEXATION NO. 10003, CHANGE OF ZONE NO. 10010, CHANGE OF ZONE NO. 10008 and COUNTY SPECIAL PERMIT NO. 10020.**

Ex Parte Communications: None

**Item No. 1.5, County Special Permit No. 10020**, was removed from the Consent Agenda and called under Requests for Deferral.

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

Note: This is final action on Comprehensive Plan Conformance No. 10002, 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 #08027  
N 48th St & Douglas Cir**

**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. 5 T10N R07E

