

City Council Introduction: **Monday**, February 9, 2009
Public Hearing: **Monday**, February 23, 2009, at **5:30** p.m.

Bill No. 09-20

FACTSHEET

TITLE: **ANNEXATION NO. 08016**, by the Director of Planning, to annex 243.1 acres, more or less, generally located at N.W. 48th Street and Interstate 80.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/28/09
Administrative Action: 01/28/09

RECOMMENDATION: Approval (7-0: Carroll, Esseks, Francis, Cornelius, Gaylor Baird, Taylor and Sunderman voting 'yes'; Larson and Partington absent).

FINDINGS OF FACT:

1. This is a request to annex 243.1 acres, more or less, generally located north and south of the N.W. 48th Street and Interstate 80 interchange, pursuant to the City's annexation policy as set forth in the Comprehensive Plan.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4, concluding that the property can be provided the full-range of City services, is urban in character and is contiguous with the city limits. This annexation is consistent with the City's annexation policy.
3. Neighborhood meetings were held on September 2 and October 2, 2008, and written notification of the public hearing before the Planning Commission was mailed to owners of the property proposed to be annexed on December 29, 2008.
4. The staff presentation is found on p.6.
5. Testimony in opposition is found on p.6-7. The property owner who testified in opposition expressed concern about losing greenbelt status on farm land, resulting in a significant increase in property taxes.
6. On January 28, 2009, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval (Larson and Partington absent).

FACTSHEET PREPARED BY: Jean L. Preister

DATE: February 3, 2009

REVIEWED BY: _____

DATE: February 3, 2009

REFERENCE NUMBER: FS\CC\2009\ANNEX.08016

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JANUARY 28, 2009 PLANNING COMMISSION MEETING

PROJECT #: Annexation #08016

PROPOSAL: Application by the Director of Planning to annex approximately 243 acres.

LOCATION: NW 48th St and Interstate 80

LAND AREA: 243.1 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.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 25, 52, 54 and 55, located in Section 19-10-6; Lots 39 and 46, located in Section 30-10-6; Blocks 3, 4, 5, 12, 13 and 14 and the remaining portion of Blocks 6 & 7; Cushman Addition, located in Section 30-10-6; Lots 1-24, A & B, Oakland Addition, located in Section 30-10-6; and all adjacent rights-of-way; Lancaster County, Nebraska.

EXISTING ZONING: AG, Agricultural and H-4, General Commercial

SURROUNDING LAND USE AND ZONING:

North of I-80:	AG	Farm ground
North of W. "O" St:	H-1 & H-4	Truck Stop, commercial and single-family houses
South of W. "O" St:	AG	Farm ground
South of I-80:	H-1 & H-4	Truck Stop, commercial and single-family houses
East:	AG	Farm ground
	I-1	Industrial
West:	AG	Farm ground

EXISTING LAND USE: Single family houses and farm ground.

COMPREHENSIVE PLAN SPECIFICATIONS:

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

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:

- Dec. 17, 2008 Annexation #08025, south of West "O" St., was recommended for approval by the Planning Commission. The annexation has not been scheduled for City Council at this time.
- February 13, 2008 Annexation #07005, to annex an area north of I-80 and west of NW 48th St., was recommended for approval by the Planning Commission. The project at this time has not been scheduled for City Council public hearing.
- July 10, 1995 The northern half of Lot 37 IT, located at the southwest corner of NW 48th & West "O" St. was annexed and re-zoned from AG to H-3.

SPECIFIC INFORMATION:

DESCRIPTION OF PROPERTY: The majority of the area is used for farm ground. There are five single family houses south of West "O" St. and east of NW 48th St. Middle Creek is on the south edge of the annexation area. A small portion of land south of West "O" St. is in the flood plain.

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** An existing main terminates just north of Interstate 80 on the west and east side of NW 48th St. There is existing sanitary sewer south of West "O" St.
- B. **Water:** There is an existing 16" water main in NW 48th St. and West "O" St.
- C. **Roads:** The 2030 Comprehensive Plan identifies NW 48th St. as a principal arterial and is shown as a proposed project for 4-lanes plus turn lanes. West "O" St. is identified as a principal arterial
- D. **Parks and Trails:** Future trails are shown along NW 48th St and W. "O" St. in the Comprehensive Plan.
- E. **Fire Protection:** The nearest fire station is located at the Lincoln Airport.

ANALYSIS:

1. The proposed area to be annexed is surrounded by the City on the south, west and east sides. 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. The area is predominantly zoned AG with a small area of H-4 in the northeast area. There are five dwelling units located south of West "O" St. and east of NW 48th St. The entire area has ready access to utilities such as water and sewer.
3. The future land use plan in the 2030 Comprehensive Plan identifies this area as commercial and industrial.
4. The area of annexation is within the Southwest Rural Fire District and the Lincoln School District. The City will have to reimburse the Southwest Rural Fire District. After annexation the area will be served by the Lincoln Fire Department.

Prepared by:

Tom Cajka
Planner

DATE: January 15, 2009

APPLICANT:

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ANNEXATION NO. 08016

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 28, 2009

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

Ex Parte Communications: None.

Staff recommendation: Approval

Staff presentation: **Steve Henrichsen of Planning staff** gave a brief overview of the annexations on today's agenda. The staff began studying these proposals last year. Planning Commissioners received a briefing. Neighborhood meetings were held in September, October and December of 2008. Through mailings and the Planning Department Web site, staff has tried to disseminate as much information as possible. The reasons for moving forward with these annexations are that they conform to state statutes, they are adjacent to the city limit, services can be provided, they are urban in character in that they relate to the urban area, and city streets are used to come and go.

People who have contacted staff in opposition have noted the tough economic times. Henrichsen can understand. Everyone is in tough times. There are pluses and minuses for living in the city. City residents don't receive burn permits and cats and dogs must be licensed. There are a lot of pluses also, including is a very fast response time for Police and Fire.

Tom Cajka of Planning staff stated that this area is served by sanitary sewer and water. It meets the goals of the Comprehensive Plan. Most of the land is undeveloped. Most of the land is surrounded by the city limits. The area is already in the Lincoln Public Schools District.

Opposition

1. Dwayne Dowd, 220 N. 89th St., Omaha, Nebraska, testified in opposition as an owner of a farm in this area. The property is bounded by farm land and has no city services nor does it need any. The property south of "O" St. is almost exclusively farm land also. This is not urban in nature. He believes annexation is premature at this time. Of the 240 acres in the annexation, he thinks that about 190 acres are currently farmed. There is no current need for city services for these properties. He currently has a greenbelt exemption. Staff has said that annexation would create about an eight percent rise in taxes. If his property is annexed, the taxes would rise tremendously because he would lose the greenbelt status.

2. Peter Katt testified in opposition. He has clients in all three of the annexation areas (Annexation No. 08010, Annexation No. 08015 and Annexation No. 08016) coming up for public hearing today. He asked the Commission to remember and consider that the proposed annexation areas are very large and are vastly underdeveloped. Today there is a lot of

undeveloped land in the city. There is no demand for land on the fringes today. It is not advantageous to the homeowners. He believes it would be best to defer these annexations due to current economic circumstances.

Staff questions

Esseks sees this as a problem. Annexation of farm land can carry enormous implications. Cajka knows that the greenbelt status would be lost once inside the city limits. The policy of annexation is the same. The Comprehensive Plan shows this land in Tier One, Priority A. Sewer and water is available to serve the area and they are contiguous to the city limits. The sewer line extends north to the edge of Mr. Dowd's property. All of these areas could be served by city services.

Carroll questioned why this land to the north of the Interstate couldn't wait until the area to the north is annexed. Henrichsen stated that the land to the north will be covered by an annexation agreement in the future. At that time, this land will be almost completely surrounded. This property meets the current policies for annexation as addressed in the Comprehensive Plan. He understands that some of these properties enjoy greenbelt designation that will be lost. There were also properties in the annexations approved on today's consent agenda that will lose their greenbelt status.

ACTION BY PLANNING COMMISSION:

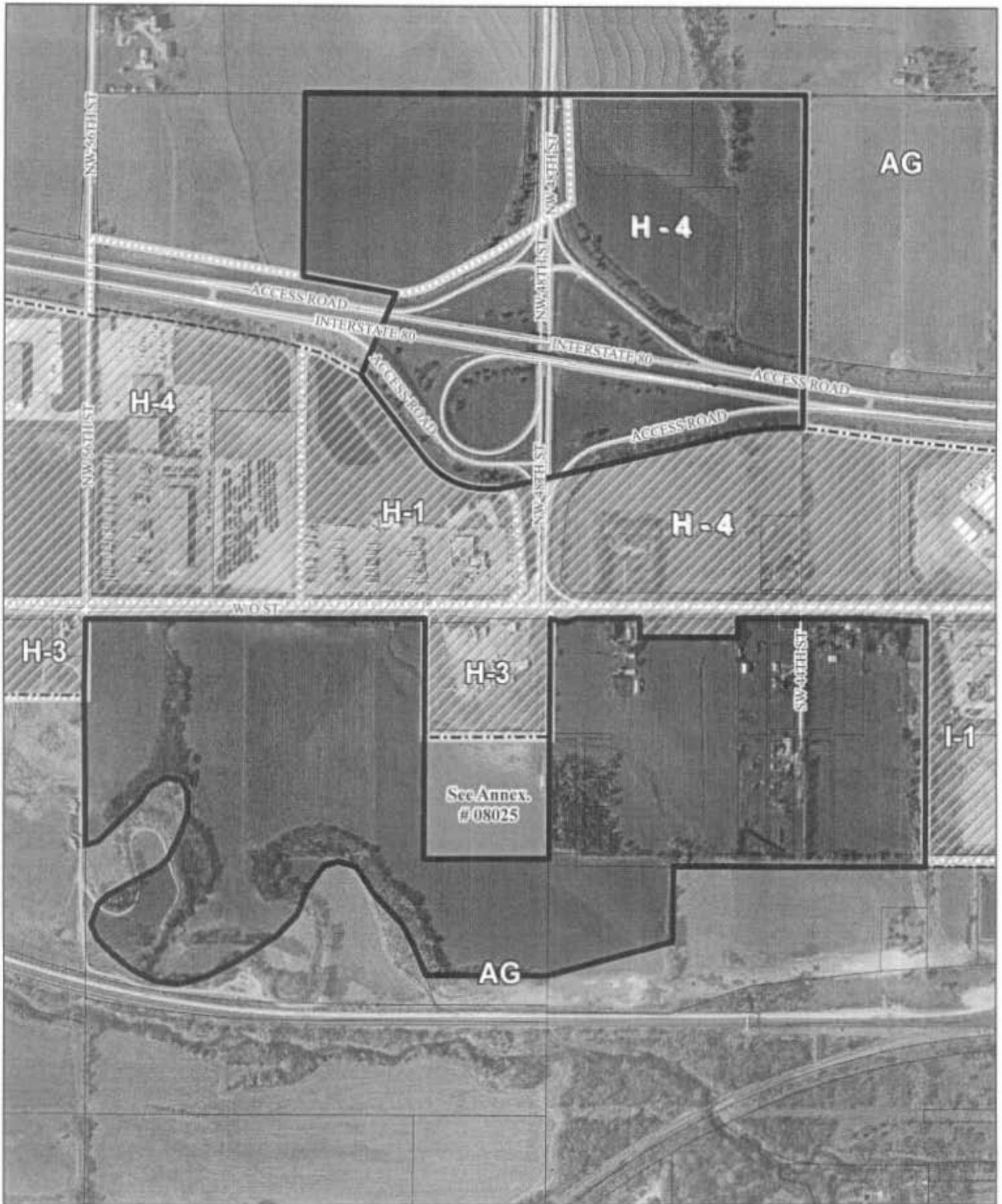
January 28, 2009

Francis moved approval, seconded by Cornelius.

Taylor thinks it is too bad this can't be delayed for another year, but he understands the argument for annexation.

Carroll would like to see the area north of the interstate be annexed at the same time as the annexation agreement further to the north is approved; however, he does not want to split it out of this annexation proposal.

Motion for approval carried 7-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Partington absent. This is a recommendation to the City Council.



Annexation #08016
NW 48th & Interstate 80

Total Area: 243.1 Acres

-  Existing City Limits
-  Annexation Study Area Boundary
-  Zoning District Boundary



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PLANNING DEPARTMENT
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