

City Council Introduction: **Monday**, January 23, 2012
Public Hearing: **Monday**, January 30, 2012, at **5:30** p.m.

Bill No. 12-4

FACTSHEET

TITLE: **ANNEXATION NO. 11004**, requested by the Director of Planning, to annex approximately 418 acres, more or less, generally located at North 48th Street, north of Superior Street.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Change of Zone No. 11041 (12-5).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 01/11/12
Administrative Action: 01/11/12

RECOMMENDATION: Approval (8-0: Gaylor Baird, Butcher, Cornelius, Esseks, Hove, Lust, Sunderman and Weber voting 'yes'; Francis absent).

FINDINGS OF FACT:

1. This proposed annexation and the associated Change of Zone No. 11041 and Street & Alley Vacation No. 11012 were heard at the same time before the Planning Commission.
2. This is a request to annex that portion of the North 48th Street City landfill that is currently outside of the City limits, and land owned by the Lower Platte South Natural Resources District. The proposed area to be annexed abuts the City limits on the east, west and south and is within Tier One Priority A of the 2040 Comprehensive Plan.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed annexation is in general conformance with the 2040 Comprehensive Plan. The land proposed to be annexed is owned by either the City or the Lower Platte South NRD and is contiguous to the City, thus this annexation will close a gap in the city limits.
4. On January 11, 2012, 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 January 11, 2012, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Francis absent).
6. On January 11, 2012, the Planning Commission also voted 8-0 to recommend approval of the associated Change of Zone No. 11041 (Bill #12-5) and Street & Alley Vacation No. 11012. (The associated street and alley vacation is not being scheduled for Council hearing at this time because it requires funds to be paid by the petitioner for the vacated right-of-way).

FACTSHEET PREPARED BY: Jean L. Preister

DATE: January 17, 2012

REVIEWED BY: _____

DATE: January 17, 2012

REFERENCE NUMBER: FS\CC\2011\ANNEX11004+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JANUARY 11, 2012 PLANNING COMMISSION MEETING

- PROJECT #:** Annexation #11004
- PROPOSAL:** Application by the Director of Planning to annex that portion of the N. 48th Street City landfill outside the City limits and land owned by the Lower Platte South Natural Resource District (NRD).
- LOCATION:** N. 48th Street north of Superior Street.
- LAND AREA:** 418 acres, more or less
- CONCLUSION:** This annexation proposal is in general conformance with the 2040 Comprehensive Plan. The land proposed to be annexed is owned by either the City or NRD. The area is contiguous to the City and this annexation will close a gap in the city limits.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

- LEGAL DESCRIPTION:** See attached.
- EXISTING ZONING:** AG, Agricultural and P, Public

SURROUNDING LAND USE AND ZONING:

North:	AG, Agricultural	Open space
	R-3, Residential	Single family dwellings and undeveloped
South:	P, Public	City landfill
	R-3, Residential	Boosalis Park and shooting range
East:	P, Public	City landfill
West:	R-3, Residential	Open space and single family dwellings
	AG, Agricultural	Open space

EXISTING LAND USE: City landfill and open space.

COMPREHENSIVE PLAN SPECIFICATIONS:

The ANNEXATION POLICY- page 12.14 of the 2040 Comprehensive Plan.

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

The provision of municipal services must 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 should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

HISTORY:

- April 26, 1966 The landfill between N. 48th St and N. 56th St. was annexed by City Council.

- April 5, 1999 Annexation No. 98017 to annex the transfer station at the N. 48th St. City landfill was approved by the City Council.

- March 2, 2009 Annexation No. 08021 to annex Boosalis Park and adjacent areas was approved by the City Council.

ASSOCIATED REQUEST:

Change of Zone #11041

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** There is sanitary sewer to serve the transfer station on N. 48th St.

- B. **Water:** There is water to serve the transfer station on N. 48th St.

- C. **Roads:** There are no streets within the annexation area.

- D. **Parks and Trails:** Boosalis Park is to the south

- E. **Fire Protection:** The nearest fire station is located at Touzalin Ave. and Fremont St.

ANALYSIS:

- 1. The proposed area to be annexed abuts the City limits on the east, west and south sides. The area is within Tier One Priority A of the 2040 Comprehensive Plan. The annexation area includes the City landfill on N. 48th St. and property owned by the NRD.

2. A large area to the north and west of the proposed annexation area is in the Salt Creek flood way and flood plain. The future land use map shows this area as Environmental Resources. Boosalis Park is to the south.
3. A portion of the N. 48th St City landfill is within the City limits. Since part of the landfill is in the City and part is outside the City limits, the landfill must operate under both City and County regulations pertaining to operation of the landfill. This annexation will simplify the regulatory process.

Prepared by:

Tom Cajka
Planner

DATE: December 27, 2011

APPLICANT: Marvin S. Krout
Director of Planning
555 S. 10th Street
Lincoln, NE 68508
(402) 441-7491

CONTACT: Tom Cajka, Planner
Planning Department
(402) 441-5662

**ANNEXATION NO. 11004
AND
CHANGE OF ZONE NO. 11041**

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

January 11, 2012

Members present: Gaylor Baird, Butcher, Cornelius, Esseks, Hove, Lust, Sunderman and Weber; Francis absent.

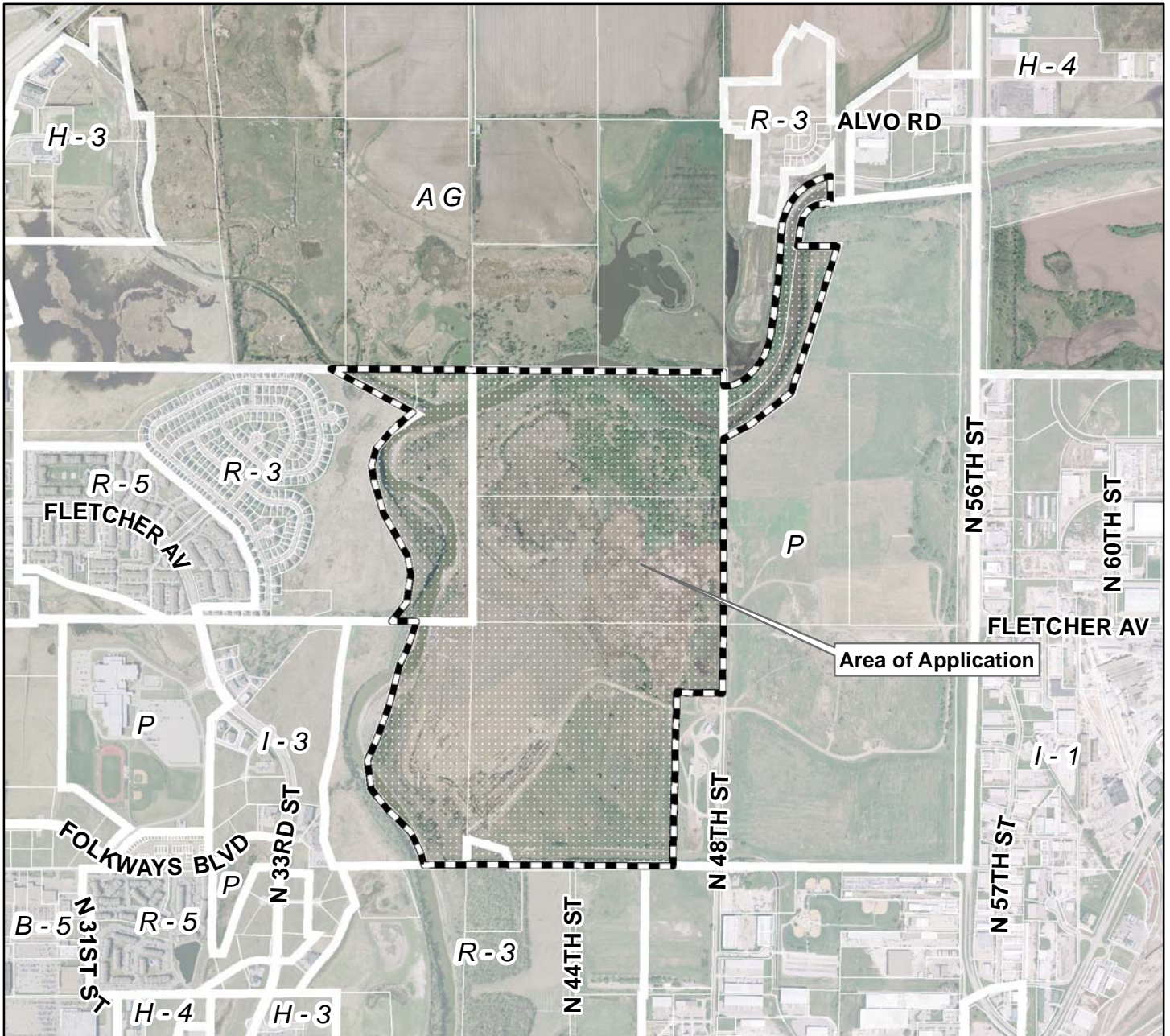
The Consent Agenda consisted of the following items: **ANNEXATION NO. 11004, CHANGE OF ZONE NO. 11041, STREET AND ALLEY VACATION NO. 11012, CHANGE OF ZONE NO. 11043, SPECIAL PERMIT NO. 11032 and WAIVER NO. 11026.**

Ex Parte Communications: None

Item No. 1.2, Change of Zone No. 11043, was removed from the Consent Agenda and scheduled for separate public hearing.

Lust moved approval of the remaining Consent Agenda, seconded by Esseks and carried 8-0: Gaylor Baird, Butcher, Cornelius, Esseks, Hove, Lust, Sunderman and Weber voting 'yes'; Francis absent.

Note: This is final action on Special Permit No. 11032 and Waiver No. 11026, 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.



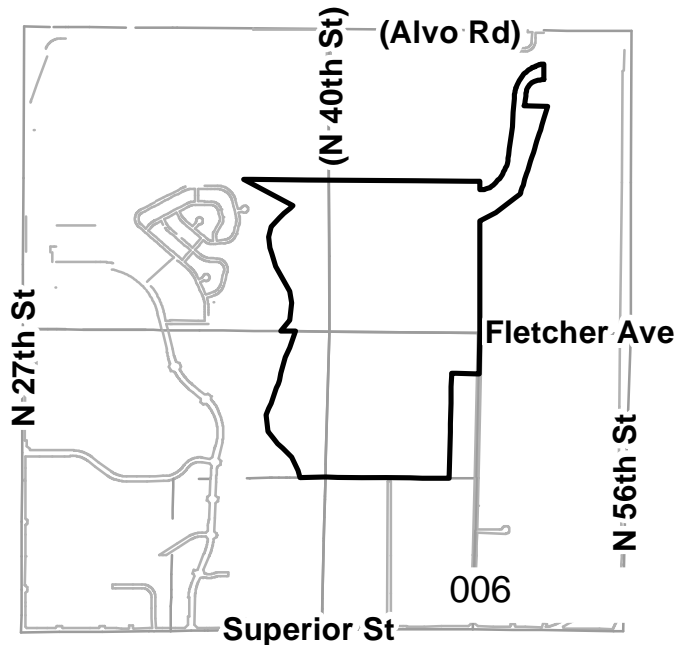
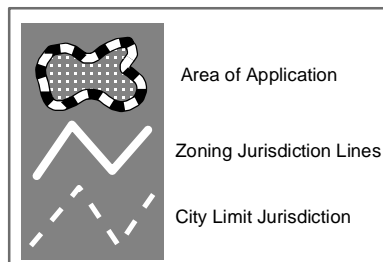
**Annexation #11004
N 48th & Superior St**

2010 aerial

Zoning:

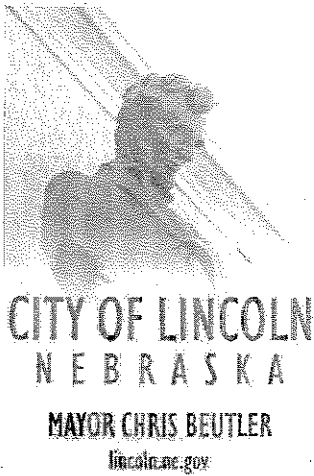
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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

Four Square Miles
 Sec. 05 T10N R07E
 Sec. 06 T10N R07E
 Sec. 31 T11N R07E
 Sec. 32 T11N R07E



LEGAL DESCRIPTION

1. Lot 36 I. T. and Lot 45 I. T. in Section 5, Township 10 North, Range 7 East;
2. Lot 57 I. T. in Section 6, Township 10 ^{North}~~East~~, Range 7 East;
3. Lot 1 I. T. and Lot 2 I. T. in Section 31, Township 11 North, Range 7 East;
4. Lot 7 I. T. and a portion of Lots 10, 11, 20 & 21 all Irregular Tracts and also described as PID #1832200004000 in Section 32, Township 11 North, Range 7 East.



Wastewater and Solid Waste
Operations Administration
Public Works and Utilities Department

2400 Theresa Street
Lincoln, Nebraska 68521
402-441-7961
fax: 402-441-8735



To: Planning Commission
From: Solid Waste Operations
Karla M. Welding, Superintendent *Karla*
Date: December 27, 2011
Subject: Annexation Request #11004
CC: Miki Esposito, Gary Brandt, Jocelyn Golden, Clint Thomas, Tom Cajka

The Solid Waste Operations Section of the Wastewater Division of Public Works and Utilities is in support of the Annexation Request #11004.

The annexation request would result in all parcels of property commonly known as and managed as the North 48th Street Landfill being within the City limits. The parcels of property east of North 48th Street and west of North 56th Street, comprising the entire east half of the North 48th Street Landfill, was annexed in April 1966 (Ordinance #8984), and approximately 21.3 acres west of North 48th Street where the Transfer Station building is located was annexed in April 1999 (Annexation #98017 / Ordinance 17487).

The proposed annexation of the remainder of the property known as the North 48th Street Landfill would result in relevant codes, permits and regulations being applicable across the entire site rather than just a portion, and would simplify compliance with such when required.