City Council Introduction: December 7, 2015
Public Hearing: December 14, 2015, at 3:00 p.m.

Bill No. 15-145

FACTSHEET

TITLE: ANNEXATION NO. 15012
(South 88th Street and Pioneers Blvd.)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Clark Enersen Partners on behalf of HiMark Properties, LLC

RECOMMENDATION: Approval (7-0: Beecham, Cornelius, Harris, Lust, Sunderman, Corr, and Hove voting 'yes'; Scheer declared conflict of interest; Weber absent).

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: Public Works will be responsible for the maintenance and replacement of the streets and utilities in the new addition, and other departments will provide City services to the area and its residents.

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION: To annex approximately 5 acres, more or less, generally located at South 88th Street and Pioneers Blvd.

DISCUSSION/FINDINGS OF FACT:

1. This annexation request and the associated Change of Zone No. 15032 from AG to R-3 (Bill #15-146) appeared on the Consent Agenda of the Planning Commission on November 18, 2015.

2. The purpose of this proposal is to annex approximately 5 acres.

3. The staff recommendation for approval of the annexation request is based upon the "Analysis" as set forth on p.5-6, concluding that the subject property is adjacent to the city limit and the full range of municipal services can be provided if annexed. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

4. On November 18, 2015, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of this annexation request.

5. On November 18, 2015, the Planning Commission also voted 7-0 to recommend approval of the associated Change of Zone No. 15032 (Bill #15-146).

6. Should this annexation request be approved, the Planning staff is recommending that the Council ordinance assign the newly annexed area to **Council District #2**.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer **DATE:** November 23, 2015

REVIEWED BY: David R. Cary, Acting Planning Director **DATE:** November 23, 2015

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 18, 2015 PLANNING COMMISSION MEETING

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROJECT #: Annexation #15012
Change of Zone #15032

PROPOSAL: To annex approximately five acres, and change the zoning from AG to R-3 over that same five acres for the HiMark Community Unit Plan

LOCATION: South 88th Street and Pioneers Blvd

LAND AREA: Annexation #15012 - Approximately 4.8 acres
Change of Zone #12032 - Approximately 4.8 acres

CONCLUSION: The subject property is adjacent to the city limit, and the full range of municipal services can be provided if annexed. A change of zone to R-3 is consistent with the Future Land Use Map and compatible with the adjacent development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

RECOMMENDATION:	
AN#15012	Approval
CZ#15032	Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2.

GENERAL INFORMATION:

LEGAL DESCRIPTION: AN#15012 and CZ#15032 - See attached legal description.

EXISTING ZONING: AG Agriculture

SURROUNDING LAND USE AND ZONING:

North:	Golf Course	AG
South:	Golf Course	AG
East:	Golf Course	AG
West:	Vacant (residential under development)	R-3

EXISTING LAND USE: Golf Course

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates this site for green/open space.

Pg. 1.10 - This site is shown in Tier I, Priority C on the Growth Tier Map.

Pg 7.8 - Vacant Land - Currently, there are roughly 350 acres of vacant residentially-zoned land in the existing built-out portion of the City. Some of the land is in the floodplain and lots scattered throughout the City. The Plan envisions a portion of this land will be utilized by 2040 since it has access to urban services today.

Pg 12.4 - Green Space. Public or privately-owned areas predominantly used for recreation, such as parks, golf courses, soccer or ball fields, and trails. Many green space areas also serve functions such as buffers between incompatible uses and as stormwater management areas. In some cases, privately-owned Green Space such as golf courses may also be appropriate to be considered for future Urban Residential development.

Pg 12.14 - The ANNEXATION POLICY 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.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed.

Annually the City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

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

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 annexation of large projects may be done in phases as development proceeds.

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 annexation 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.

ASSOCIATED REQUEST: Administrative Amendment #15116 to Special Permit #1423J amending the HiMark community unit plan to add 12 dwelling units to the existing CUP, consistent with the area shown to be annexed and re-zoned.

HISTORY:

Mar 1979 The zoning for the area of this CUP was changed from A-A Rural and Public Use to AG Agricultural as part of the 1979 Zoning Update.

Apr 1992 Special Permit #1423 was approved for a golf course.

Mar 1996 Special Permit #1423A submitted. This application sought to expand the existing clubhouse and add a cart storage building to the HiMark Golf Course.

Jul 1998 Special Permit #1423B approved for the HiMark Estates Community Unit Plan, which included up to 507 dwelling units and golf course.

Jul 1998 Change of Zone #3125 approved to change the zoning for the area covering the CUP application from AG Agricultural to R-3 Residential.

Nov 2000 Special Permit #1423C submitted. This was a request to rename a private roadway and install gates at its entrance but was subsequently withdrawn.

Aug 2001 Special Permit #1423D approved an increase in multiple-family dwelling units from 240 to 272 but was later voided.

Apr 2002 Special Permit #1423E was approved for setback adjustments and up to 539 dwelling units.

Feb 2003 Special Permit #1423F approved the identification of certain townhouse lots with zero setbacks on all lot lines. The total number of approved dwelling units was still 539.

Sep 2003 Special Permit #1423G and #1423H were approved adding additional single-family dwelling units, roadways, and outlots, and reduce the number of multiple-family dwelling units.

May 2004 Special Permit #1423i was approved adjusting minimum lot area and a revised lot layout.

Feb 2011 Special Permit #1423J was approved to allow an additional 30 dwelling units over approximately 21 acres.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

A. **Sanitary Sewer:** Sanitary sewer is available in the adjacent developed phase of HiMark approved by SP#1423J, and can be extended to serve this phase.

B. **Water:** Water is also available in the adjacent phase and can be extended as well.

C. **Roads:** There are no adjacent arterial streets. The only new public street is an extension of HiMark Lane, a local public street, which will be installed by the developer.

D. **Parks and Trails:** There are no planned bike trail system improvements shown in this area beyond the trail along South 84th Street.

E. **Fire Protection:** After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). The nearest station is now at S. 84th and South Streets, less than two miles away. LFR has commented that a new fire station is planned to built in southeast Lincoln, likely putting a fire station even closer to this development.

ANALYSIS:

1. These are related requests for both annexation and a change of zone, where the areas of the annexation and the change of zone are one and the same.

2. The area of these requests is already located within the boundary of the HiMark CUP, so the CUP is not being expanded. Rather, the revised layout showing the 12 new lots and cul-de-sac is considered a minor change, and is one that is eligible to be approved administratively by the Planning Director. AA#15116 is now under review by staff for that purpose. The two requests covered by this report however, must be approved by the City Council.

3. The proposed layout of AA#15116 is generally consistent with what was shown in concept in the latest version of the HiMark CUP approved by the City in 2011 with SP#1423J. The cul-de-sac proposed today had been shown as a through street connection back into the golf course to accommodate future, potential redevelopment. Instead, that conceptual street connection has been moved

slightly to the west, and the cul-de-sac where the street connection had been located. While slightly different, the same goals are achieved with the revised layout and a street connection back to the golf course is still shown.

4. The area to be annexed is located within Tier I, Priority C of the Comprehensive Plan, but the full range of city services can be provided now. Utilities exist in the adjacent developed portions of HiMark and can be extended to serve this area.

5. An agreement was reached between the Lancaster County Rural Water District #1 (LRWD#1) and the City of Lincoln. It established defined compensation amounts to be paid to the District to account for lost revenue potential as a result of annexation and a reduced market area. The City has typically required those costs to be paid to the District as a condition of annexation. In this case, the area being annexed is just outside the District's boundary so there will be no compensation due to the District.

6. The Comprehensive Plan describes the redevelopment of vacant, private open space such as golf courses like this one. It anticipates potential higher and better uses, like that proposed in this case, when it can be achieved in manner compatible with the neighborhood and which does not negatively affect surrounding properties.

7. Annexation of the area complies with the Annexation Policy from the Comprehensive Plan, and the re-zoning to R-3 is consistent with the Zoning Ordinance.

Prepared by:

_____
Brian Will, 441-6362, bwill@lincoln.ne.gov
November 4, 2015

APPLICANT/ CONTACT: Tim Gergen
Clark Enersen Partners
1010 Lincoln Mall
Lincoln, NE 68508
402-477-9291

OWNER: HiMark Properties
8901 Augusta Drive
Adams, NE 68520

ANNEXATION NO. 15012

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **November 18, 2015**

Members present: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, and Sunderman; Weber absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 15031, ANNEXATION NO. 15010 and related CHANGE OF ZONE NO. 15029 and SPECIAL PERMIT NO. 06014A, ANNEXATION NO. 15012 and related CHANGE OF ZONE NO. 15032, TEXT AMENDMENT NO. 15022, AND TEXT AMENDMENT NO. 15023.**

There were no ex parte communications disclosed.

Lust moved to approve the Consent Agenda, seconded by Harris and carried 7-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, and Sunderman, voting 'yes'; Scheer declared a Conflict of Interest; Weber absent.

Note: This is final action on Special Permit No. 06014A, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.

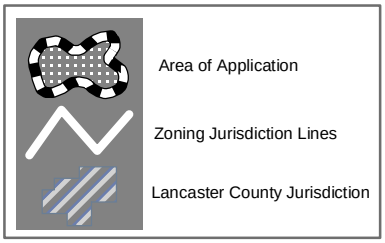
2013 aerial

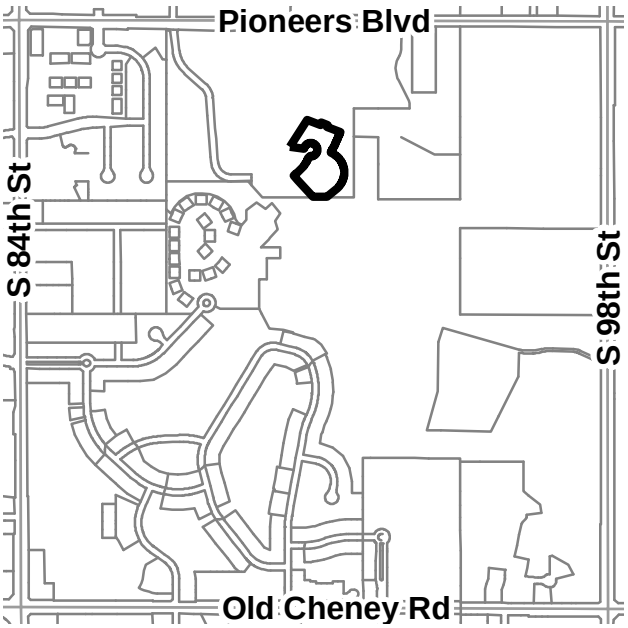
Change of Zone #: CZ15032 (AG - R3) and
Annexation #: AN15012
HiMark Estates
S 88th St & Pioneers Blvd

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.11 T09N R07E





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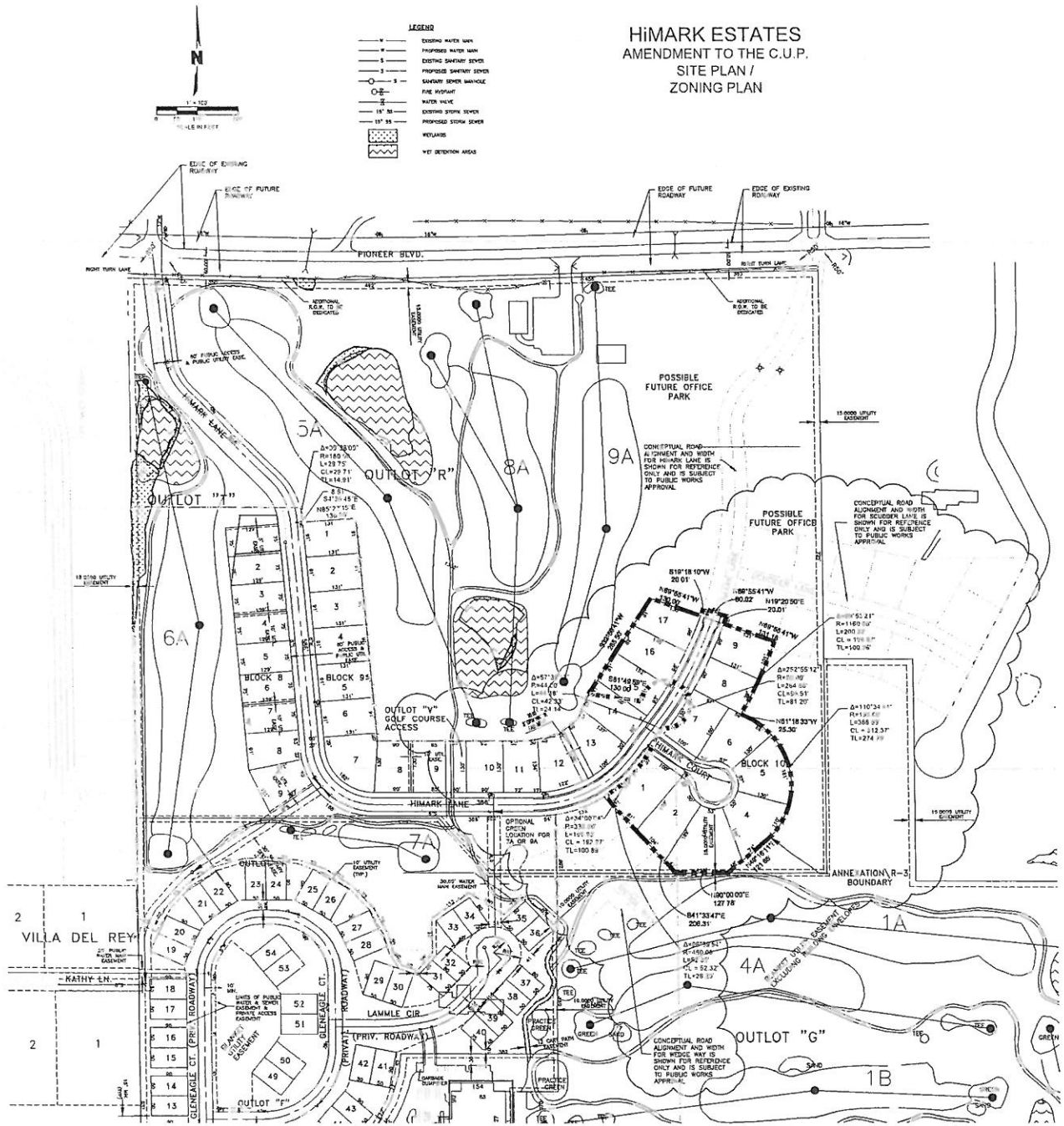
HiMARK ESTATES
AMENDMENT TO THE C.U.P.
SITE PLAN / ZONING PLAN



HiMARK ESTATES
AMENDMENT
TO THE C.U.P.

Lincoln, Ne

TCEP No. #84001.14

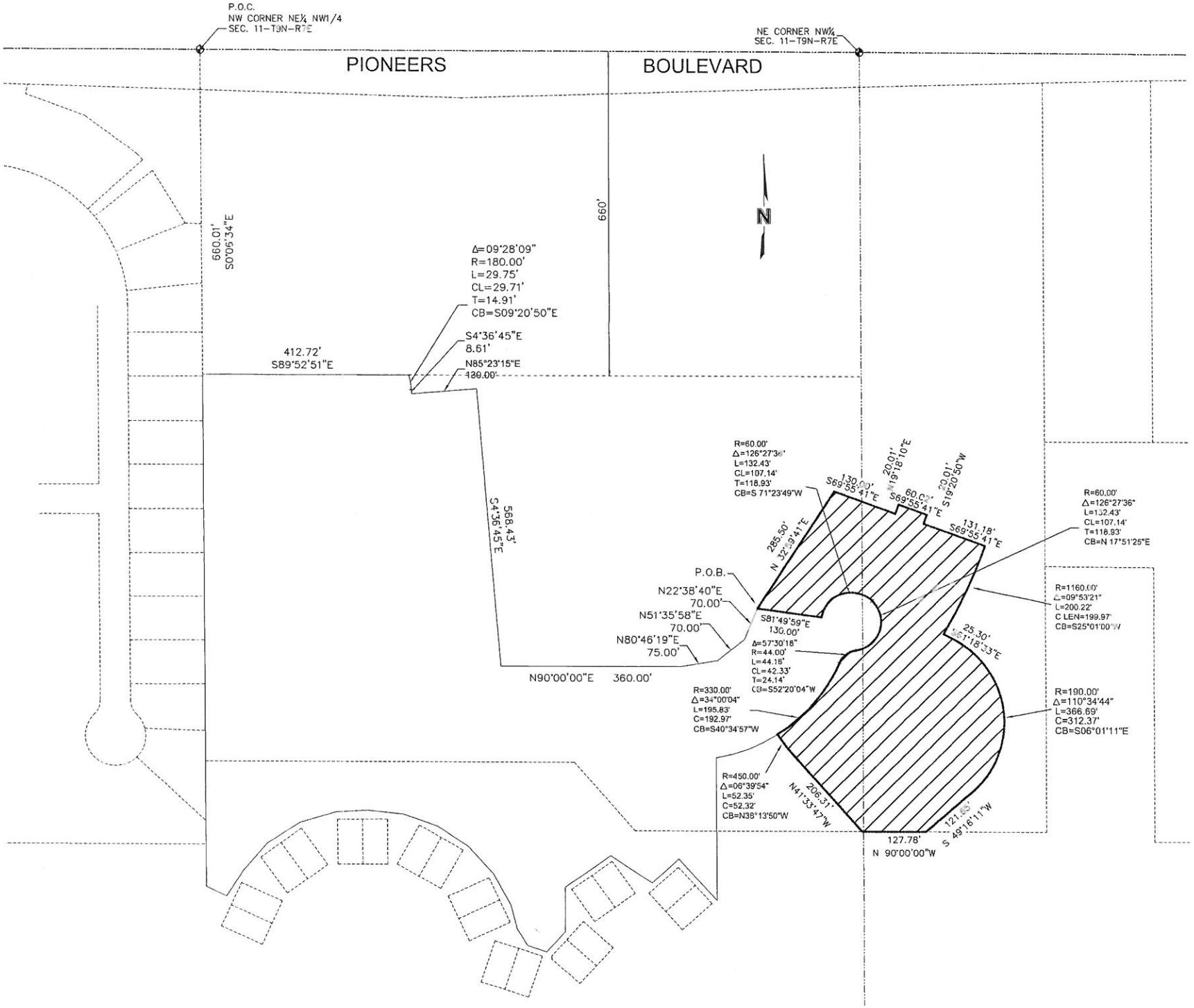
November 5, 2015

Site Plan/Zoning Plan

1A of 9

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 9, BLOCK 2, HIMARK ESTATES 19TH ADDITION, LOCATED IN THE NORTH HALF OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF S00°06'34"E ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 660.01'; THENCE S89°52'51"E, ALONG A LINE THAT IS 660 FEET SOUTH OF A PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 412.72' A POINT OF NON-TANGENT CURVATURE OF A CIRCULAR CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 09°28'09", A RADIUS OF 180.00' AND AN ARC LENGTH OF 29.75'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF S09°20'50"E A DISTANCE OF 29.71' TO A POINT; THENCE S04°36'45"E, A DISTANCE OF 8.61' TO A POINT; THENCE N85°23'15"E, A DISTANCE OF 130.00' TO A POINT; THENCE S04°36'45"E, A DISTANCE OF 568.43' TO A POINT; THENCE N90°00'00"E, A DISTANCE OF 360.00' TO A POINT; THENCE N80°46'19"E, A DISTANCE OF 75.00' TO A POINT; THENCE N51°35'58"E, A DISTANCE OF 70.00' TO A POINT; THENCE N22°38'40"E, A DISTANCE OF 70.00' TO THE TRUE POINT OF BEGINNING; THENCE N32°59'41"E A DISTANCE OF 285.50' TO A POINT; THENCE S69°55'41"E A DISTANCE OF 130.00' TO A POINT; THENCE N19°18'10"E A DISTANCE OF 20.01' TO A POINT; THENCE S69°55'41"E A DISTANCE OF 60.02' TO A POINT; THENCE S19°20'50"W A DISTANCE OF 20.01' TO A POINT; THENCE S69°55'41"E A DISTANCE OF 131.18' TO A POINT OF NON-TANGENT CURVATURE OF A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 1160.00', A CENTRAL ANGLE OF 9°53'21" AND AN ARC LENGTH OF 200.22'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF S25°01'00"W A DISTANCE OF 199.97' TO A POINT; THENCE S 61°18'33"E A DISTANCE OF 25.30', TO A POINT OF CURVATURE FOR A CIRCULAR CURVE TURNING IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 190.00', A CENTRAL ANGLE OF 110°34'44" AND AN ARC LENGTH OF 366.69'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF S06°01'11"E A DISTANCE OF 312.37' TO A POINT OF TANGENCY; THENCE ON SAID TANGENT, S49°16'11" W A DISTANCE OF 121.65' TO A POINT ON THE SOUTH LINE OF SAID LOT 9; THENCE WESTERLY ON SAID SOUTH LINE, N90°00'00"W A DISTANCE OF 127.78' TO A POINT; THENCE N41°33'47"W A DISTANCE OF 206.31' TO A POINT OF CURVATURE OF A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 450.00', A CENTRAL ANGLE OF 6°39'54" AND AN ARC LENGTH OF 52.35'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N38°13'50"W A DISTANCE OF 52.32' TO A POINT OF NON-TANGENT CURVATURE OF A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 330.00', A CENTRAL ANGLE OF 34°00'04" AND AN ARC LENGTH OF 195.83'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N40°34'57"E A DISTANCE OF 192.97' TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 44.00', A CENTRAL ANGLE OF 57°30'18" AND AN ARC LENGTH OF 44.16'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N52°20'04"E A DISTANCE OF 42.33' TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 60.00', A CENTRAL ANGLE OF 126°27'36" AND AN ARC LENGTH OF 132.43'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N17°51'25"E A DISTANCE OF 107.14' TO A POINT; THENCE CONTINUING ON SAID CURVE, HAVING A RADIUS OF 60.00', A CENTRAL ANGLE OF 126°27'36" AND AN ARC LENGTH OF 132.43'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF S71°23'49"W A DISTANCE OF 107.14' TO A POINT; THENCE N81°49'59"W 130.00', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 205,907.53 SQUARE FEET OR 4.727 ACRES, MORE OR LESS


P.O.C.
NW CORNER NE¼ NW1/4
SEC. 11–T9N–R7E
NE CORNER NW¼
SEC. 11–T9N–R7E
PIONEERS
BOULEVARD
660'
660.01'
S0°06'34"E
N
Δ=09°28'09"
R=180.00'
L=29.75'
CL=29.71'
T=14.91'
CB=S09°20'50"E
S4°36'45"E
8.61'
N85°23'15"E
130.00'
412.72'
S89°52'51"E
568.43'
S4°36'45"E
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P.O.B.
N22°38'40"E
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T=118.93'
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Δ=34°00'04"
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C=192.97'
CB=S40°34'57"W
R=190.00'
Δ=110°34'44"
L=366.69'
C=312.37'
CB=S06°01'11"E
R=450.00'
Δ=06°39'54"
L=52.35'
C=52.32'
CB=N38°13'50"W
N41°33'47"W
206.31'
121.65'
S 49°16'11"W
127.78'
N 90°00'00"W

The Clark Enersen Partners

October 21, 2015

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: HiMark Administrative Amendment to the CUP, Annexation, Change of Zone

Dear Mr. Cary:

Enclosed please find the following for the above-mentioned project:

1. Application (Admin. Amend. CUP, Annexation, Change of Zone)
2. Application fee $957.00 ($165.00 + $792.00)
3. Annexation Legal Description w/ exhibit
4. Change of Zone Legal Description w/ exhibit
5. Site Plan, 2 sheets
6. Grading & Drainage Plan
7. Street Profiles

On behalf of the Owner/Developer, HiMark Properties LLC, 8901 Augusta Drive, Lincoln NE 68520, we are requesting an Administrative Amendment to the existing HiMark Community Unit Plan, Annexation, and Change of Zone from AG to R-3 to the property located at the end of HiMark Lane. This application is to add 12 single family lots to the HiMark neighborhood. The proposed lots will be served by public water and public sanitary sewer within a public roadway system. This application is part of a phased construction of the extension HiMark Lane which will be looped back to Pioneers Blvd. A 50' wide outlot is being shown between the proposed lots for golf cart path access. Please let me know if you need any additional information.

Sincerely,

Tim Gergen

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

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