

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 28, 2004 PLANNING COMMISSION MEETING

-REVISED-

This revised staff report corrects references to the number of people who signed the petition. The petition contains the signatures of eight property owners, not nine as referenced in the original report.

P.A.S.: Annexation #04005

PROPOSAL: Application for annexation to allow connection to the City's water system from eight property owners connected to the State's private water system and Lincoln Public Schools.

LOCATION: Approximately South Folsom Street and West Calvert Street

CONCLUSION: This annexation proposal is in conformance with the Comprehensive Plan for the following reasons:

- It meets the annexation policies of the Plan;
- The area to be annexed is within the future service limit;
- The area to be annexed is contiguous to the city;
- The area to be annexed is generally urban in character.

<u>RECOMMENDATION:</u>	Find that this request is in conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Corrected Plat of Burnham 1st Addition; Lot 3 I.T.; Lot 143 I.T.; Lot 144 I.T.; Lot 145 I.T.; Lot 86 I.T.; Lot 77 I.T.; Lot 1, Burnham Subdivision; Lots 1 and 2, Braun Addition; Remaining Portion Lot 10, Burnham Subdivision; Lot 11 I.T.; Lot 29 I.T.; North 150' of Lot 2, Burnham Subdivision; those portions of Lot 2, Corrected Plat of Burnham 1st Addition and Lot 186 I.T. lying north of a line 350' south of the south right-of-way line of West Burnham Street; and those portions of adjacent rights-of-way for West Calvert Street, South Folsom Street, West Stockwell Street, West Burnham Street, and Southwest 9th Street, all within Section 3, T9N, R6E, Lancaster County, Nebraska.

EXISTING ZONING: P Public; R-3 Residential.

EXISTING LAND USE: The area proposed for annexation is developed and includes 17 residences, the Yankee Hill School, and the Southwest Rural Fire Station.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F27 - The proposed annexation is within the City's Future Service Limit. The Comprehensive Plan's Annexation Policy is found on pages F-154 and 155 of the 2025 Comprehensive Plan. Some relevant excerpts are as follows:

- Page F154**
- 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 water 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.

HISTORY:

March 18, 2004 - A request for connection to the City's water system without annexation was denied by the Public Works and Utilities Department. A copy of the letter is attached.

December 5, 2003 - ANN#97007 was approved by City Council extending the city limit south from South Street and annexing the area surrounding the Homestead Expressway/West Van Dorn interchange and the Regional Center.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

Sanitary Sewer: Sanitary sewer lines exist in West Van Dorn Street, Southwest 6th Street, West High Street, West Calvert Street, West Stockwell Street, and West Burnham Street, and were originally built by a Sanitary and Improvement District decades ago. The City has since

assumed ownership of the sewer lines in this area as well as maintenance responsibility. All the properties proposed for annexation are connected to sanitary sewer.

Water: The City is installing a 30" water main along West Van Dorn/West Prospector Place from South Coddington Avenue to Park Blvd. A 16" water line will be extended from this main south along South Folsom Street to West Calvert Street to provide water service to the Regional Center per the approved annexation agreement between the State of Nebraska and the City. The water line to be built in South Folsom Street can be extended to accommodate the proposed annexation.

Roads: South Folsom Street and West Van Dorn Street are identified as arterial streets and are paved, but do not meet current city street design standards. The remaining local streets in the area are not paved.

Fire/Police/Public Safety: Those areas outside the city are currently served by the Southwest Rural Fire District and Lancaster County Sheriff. If approved, the Lincoln Fire and Police Departments will be responsible for providing protection to those areas within the city limit. For fire protection, It is anticipated that the first responders would be from Stations #8 (South 17th & Van Dorn Streets) and #13 (South Coddington Avenue and West A Street).

The proposed annexation boundary was drawn to minimize the amount of land to be annexed while ensuring that the petitioners were all included, and that the boundary is consistent with State law. This results in an irregular boundary with portions of streets in different jurisdictions. This will be the case with South Folsom, West Calvert, West Stockwell, West Burnham, and Southwest 9th Streets.

BACKGROUND:

ANN#97007 was in part prompted by the State's desire to abandon their private water system serving the Regional Center and connect to the City's system. The original annexation boundary recommended by staff included all those properties that could be served by the new water main, and that also were either connected to, or could be served by, sanitary sewer.

In anticipation of being annexed and connecting to the City's water system, the State sent a letter on December 4, 2002 to the 16 property owners being served by the State's private water system. This letter notified the customers of the State's intent to connect to city water and to discontinue private water service on December 15, 2003. These property owners were required to make provisions for continued water service either by means of a private well or connection to the City system.

A request signed by eight petitioners was submitted to the City seeking connection to the City's water system without annexation. That request was denied (attached), and in response

a petition for annexation was submitted from the same people. Of the 16 water customers, eight are represented on the petition requesting annexation. Additionally, Lincoln Public Schools is requesting annexation of the Yankee Hill School.

ANALYSIS:

1. Annexation policy of the Comprehensive Plan:
-To not extend water and sanitary sewer services beyond the city limits. Annexation shall occur before any property is provided water, sanitary sewer, and other city services.

This area is now served with sanitary sewer and can be served with water as part of the water main installation project in this area.

- Land which is contiguous and generally urban in character may be annexed.**

The area is contiguous and urban in character.

- Annexation generally implies the opportunity to access all City services.**

The area is within the future service limit.

- Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city.”**

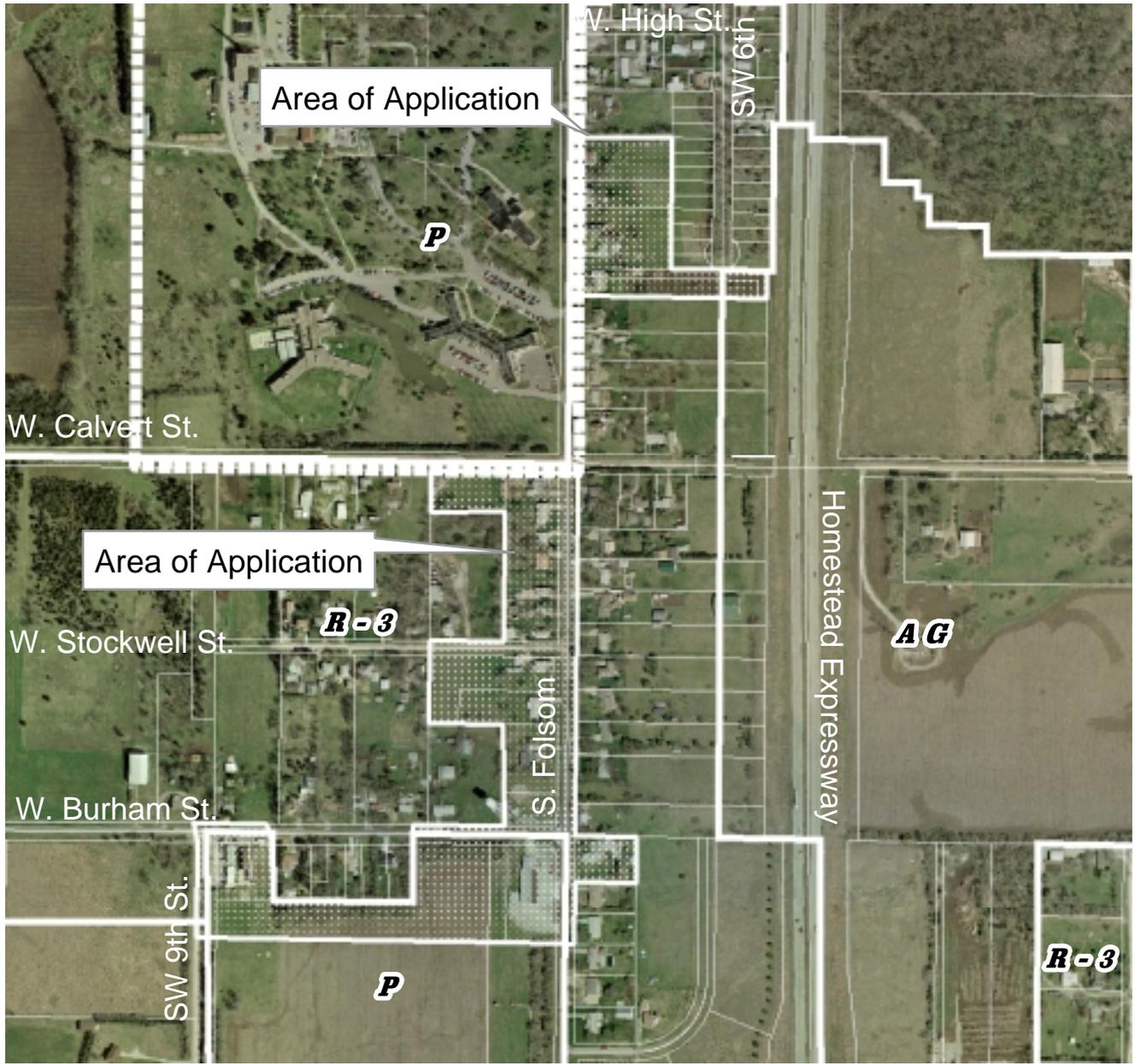
All the properties proposed to be annexed are already connected to city sewer. The funds have been allocated in the C.I.P. to build the water main to serve this area and the project is currently under construction.

2. It includes 17 residences, the Southeast Rural Fire Station, and the Yankee Hill School. Of the 17 residences, eight have signed the petition and nine have not. The annexation line as drawn includes the minimum number of properties that must be annexed to include the petitioner’s properties, meet the requirements of the law, and provide a logical boundary. Consistent with a prior opinion from the Law Department, the City is precluded from extending the city limit along a very narrow strip of land such as only the width of a street to reach the land to be annexed. This is the reason that several residences along South Folsom Street which are not part of the petition are included in the boundary.
3. Once the 16" water line is in place to serve the Regional Center, it can be tapped and extended to serve any property within the city limit with city water.

4. Any property owner with a well may continue to use the well after annexation. Owners wishing to continue using private wells must apply for a bi-annual permit. The fee for the permit includes annual inspections conducted by the Health Department.
5. Public facilities within the annexation boundary include the Southwest Rural Fire Station, and Yankee Hill Program School. The impact upon these entities varies. Lincoln Public Schools is exempt from local regulation and annexation will have no impact. The Southwest Rural Fire District assesses a tax to properties within their district. After annexation, the District will no longer receive revenue from those annexed properties.
6. Upon annexation, the rate used to assess property taxes will increase from .01882693 to .0202742. The difference on a \$100,000 home would be \$144. The change in the tax rate is not as great as some annexations because the area within the proposed boundary is already within the Lincoln Public School District.

Prepared by:

Brian Will, 441-6362, bwill@ci.lincoln.ne.us
Planner
April 15, 2004



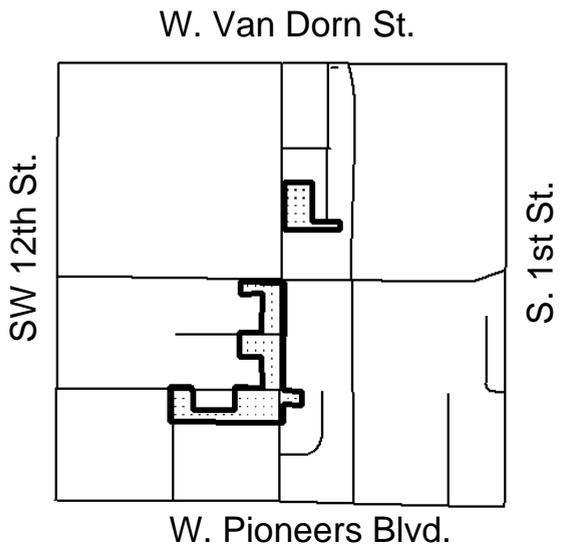
2002 aerial

Annexation #04005 Yankee Hill Annexation

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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. 03 T09N R6E



Petition for Annexation for City Services

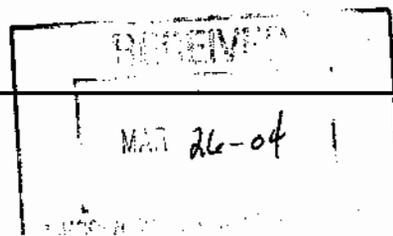
March 1, 2004

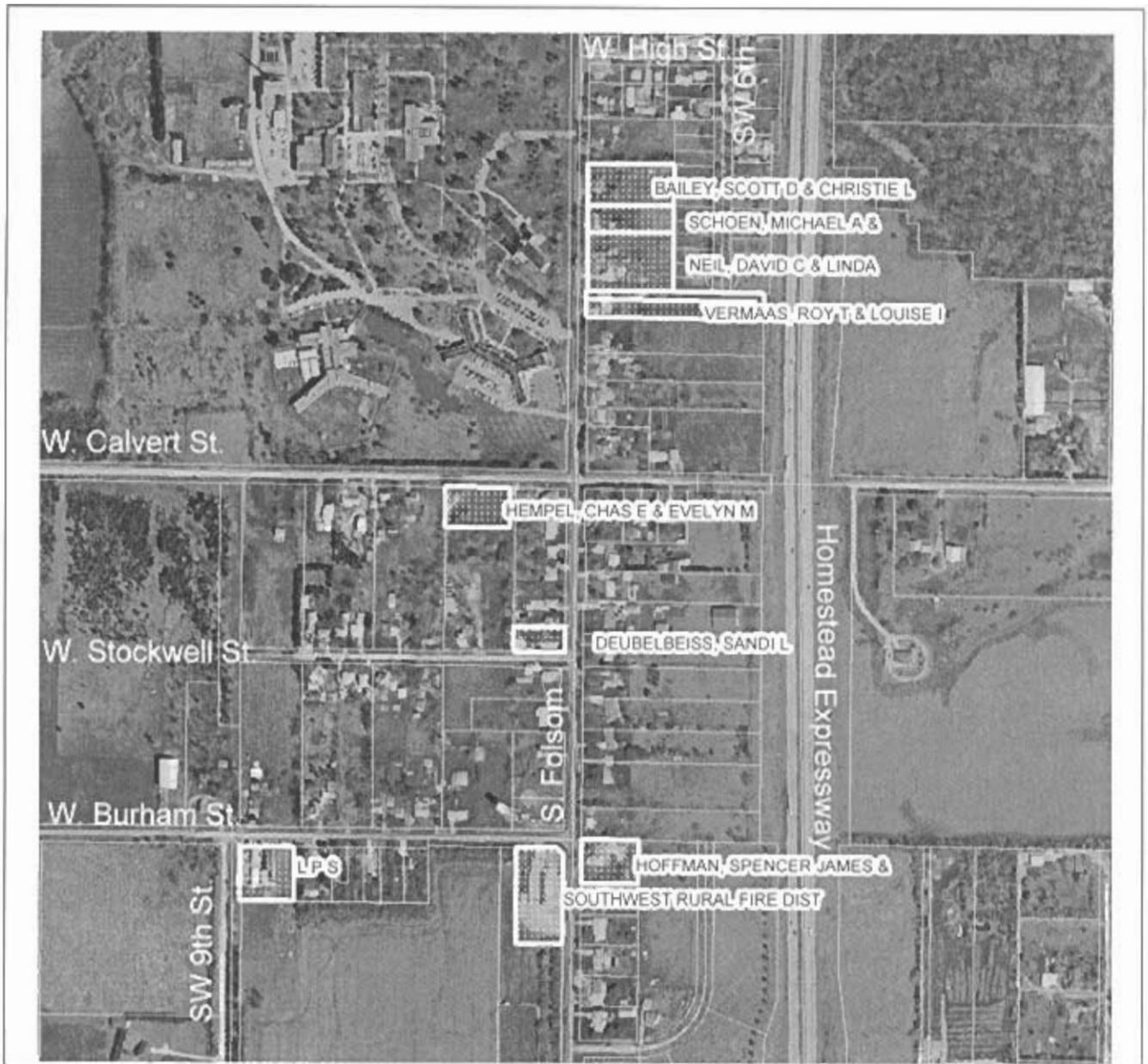
The undersigned property owner's request Annexation into the Lincoln City Limits, in order to connect to the Lincoln Water System.

The property owner's listed are currently receiving water via the State Building Division's private water tower located at the Lincoln Regional Center. Water service has been provided to these properties for many years through a long-standing agreement between the State and the property owner's, including both long-time and more recent owner's.

With the State's recent annexation into the City of Lincoln and upcoming connection to the Lincoln Water System, the undersigned property owner's are left without suitable water service and we now request annexation into the City of Lincoln to receive this service.

<u>Property Owner</u>	<u>Street Address</u>	<u>Legal Address</u>	<u>Parcel Number</u>
Bailey, Scott & Christie	2932 S.Folsom St	Lot 143 NE 3-9-6	09-03-200-082-000
Owner's Signature	<i>Scott Bailey</i>		
Deubelbeiss, Sandy	3845 S. Folsom St	Burnham Sub (of the NE SW 3-9-6) S90' Lot 1	09-03-301-009-000
Owner's Signature	<i>Sandi Deubelbeiss</i>		
Hempel, Evelyn	775 W. Calvert	Burnham Sub (of the NE SW 3-9-6) N 150' Lot 2 EX E20'	09-03-301-016-000
Owner's Signature	<i>Evelyn Hempel</i>		
Hoffman, Spencer	4000 S. Folsom St	Park Ridge Heights, Block 2, Lot 8	09-03-405-001-000
Owner's Signature	<i>Spencer Hoffman</i>		
Neil, Dave & Linda	3020 S. Folsom St	Lot 145 NE 3-9-6	09-03-200-084-000
Owner's Signature	<i>Linda Neil</i>		
Schoen, Michael & Traci	2936 S. Folsom St	Lot 144 NE 3-9-6	09-03-200-083-000
Owner's Signature	<i>Mike Schoen</i>		
Southwest Rural Fire Dist	705 W. Burnham	Burnham 1st Addition Lot 1	09-03-303-001-000
Owner's Signature	<i>Robert G. Hill President</i>		
Vermaas, Roy	3840 S. Folsom St	Lot 77 NE 3-9-6	09-03-200-086-000
Owner's Signature	<i>Roy Vermaas</i>		
Hanna, Michael	3829 S. Folsom St	Burnham Sub (of the NE SW 3-9-6) N 100' S250' Lot 1	09-03-301-011-000
Owner's Signature			
Owner's Signature			





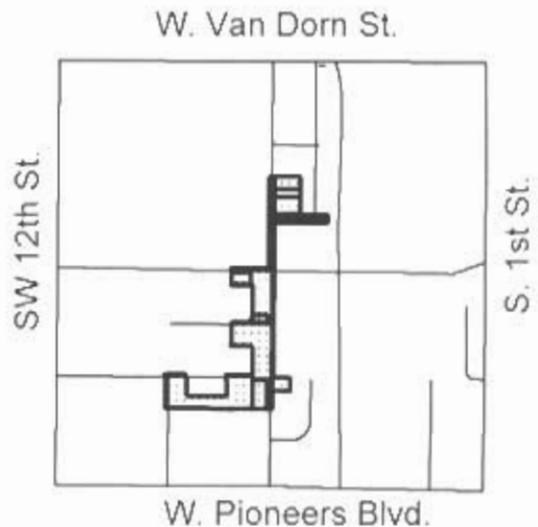
2002 aerial

Yankee Hill Annexation

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-7 Residential Transition District
- B-1 Local Business District
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- 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. 03 T09N R6E





Lincoln Public Schools

Custodial, Maintenance & Facilities Building • 800 South 24th • Lincoln, Nebraska 68510 • (402) 436-1072 • (Fax) 436-1557

April 20, 2004

Marvin Krout
Planning Director
Lincoln /Lancaster County Planning Department
555 S. 10th Street, Room B-417
Lincoln, NE 68508

**SUBJECT: YANKEE HILL SCHOOL FACILITY
YANKEE HILL ANNEXATION #04005**

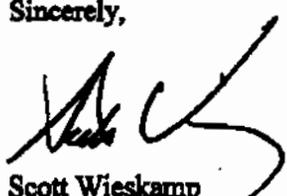
Dear Mr. Krout;

I am writing this letter in support of the proposed Yankee Hill Annexation #04005 that is currently being petitioned by area residents. As you are aware, Lincoln Public Schools has a presence in the proposed annexation area with our Yankee Hill facility, located at 865 West Burnham Street.

Coincidentally, the Yankee Hill facility will undertake an addition and significant mechanical and electrical improvements beginning early this summer. The project scope is to include a fire sprinkler system throughout. However, the only way that this system can be functional is with the consistent pressure provided by the City of Lincoln's domestic water system. If the water is not provided by the City, Lincoln Public Schools will continue to rely on our existing domestic well, utilizing fire detection devices in lieu of the fire sprinkler system.

I appreciate your commitment to the process and the needs of this community. If you should have any questions, please feel free to give me a call.

Sincerely,



Scott Wieskamp
Director of Facilities

C: Dennis Van Horn
Tim Loseke
Steve DeGarmo
Brian Will/Steve Henrichsen



CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Public Works and Utilities Department

Allan Abbott, Director

555 South 10th Street

Suite 203

Lincoln, Nebraska 68508

402-441-7548

fax: 402-441-8609

March 18, 2004

Scott & Christie Bailey
2932 South Folsom Street
Lincoln, NE 68522

RE: Petition for Lincoln City Water Service Without Annexation -- Denial

Dear Mr. & Mrs. Bailey:

Our City has a long standing policy of requiring annexation as a condition for providing water and wastewater to an area. A recent example of this policy was the annexation of the Pine Lake SID in response to their request to be connected to the water system. A number of outlying areas make an appeal for water and wastewater service each year.

Your signature appears on a petition received by the Planning Department on March 12, 2004. Your interest in connecting to City Water is due to the annexation of the Regional Center and their discontinued operation of their central water system. Unfortunately, I must inform you that your request is denied by Public Works & Utilities, consistent with the Comprehensive Plan policy on providing utilities and requiring annexation.

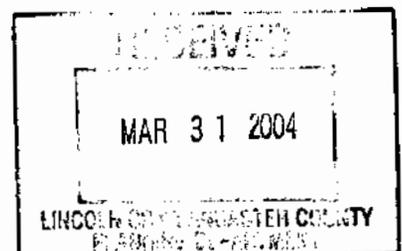
In conclusion, annexation is required before Lincoln's water supply will be made available to your property.

Sincerely,

Allan L. Abbott
Director of Public Works & Utilities

cc: Marvin Krout, Planning Director
Ann Harrell, Mayor's Office

Petition for City Water Svc without Annexation_Denial.RSM.wpd



LINCOLN

The Community of Opportunity

Petition for Lincoln City Water Service Without Annexation

March 1, 2004

The undersigned property owner's request connection to the City of Lincoln Water System, and ask for connection to be allowed without annexation.

The property owner's listed are currently receiving water via the State Building Division's private water tower located at the Lincoln Regional Center. Water service has been provided to these properties for many years through a long-standing agreement between the State and the property owner's, including both long-time and more recent owner's.

With the State's recent annexation into the City of Lincoln and upcoming connection to the Lincoln Water System, the undersigned request to be "Grand-fathered" onto City water. Property owner's would pay fees for connection to the system, and of course, monthly water service fees, but request exemption from annexation until such time as the entire Yankee Hill Neighborhood is required to be annexed.

<u>Property Owner</u>	<u>Street Address</u>	<u>Legal Address</u>	<u>Parcel Number</u>
Bailey, Scott & Christie	2932 S.Folsom St	Lot 143 NE 3-9-6	09-03-200-082-000
Owner's Signature <i>Scott Bailey</i>			
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Owner's Signature <i>Roy Vermaas</i>			
Hanna, Michael	3829 S. Folsom St	Burnham Sub (of the NE SW 3-9-6) N 100' S250' Lot 1	09-03-301-011-000
Owner's Signature			
Mertens, Dennis & Molly	3705 S. Folsom St		09-03-301-013-000



Nick W McElvain

04/08/2004 04:28 PM

To: Brian J Will/Notes@Notes
cc: Steve Masters/Notes@Notes, jobrst@notes@Notes, Steve R
Owen/Notes@Notes, Dennis D Bartels/Notes@Notes
Subject: Annexation south of Regional Center

LWS is supportive of the annexation as we discussed at the noon meeting this past Monday. As I described, we are designing a water main that will serve all of the properties that abut Folsom. The LPS school site would need to request a district or an EO to build a public main to serve their site. We are on schedule to have water service to all of the properties adjacent of Folsom by mid August. As I have mentioned in the past, we will work with all of the customers currently served by the State, so that no one is cut off, with out an opportunity to connect or drill their own well.

One thing that we did not discuss on Monday, which I think would be of value, is to map the properties proposed for annexation, and compare that to the properties served by the State. I think our focus on Monday was the one who signed the petition. Possibly the other 5 or 6 property owners should be contacted regarding where we think this is headed.



Dennis L Roth

03/31/2004 01:00 AM

To: Brian J Will/Notes@Notes
cc:
Subject: re: Yankee Hill Annexation

PROJ NAME: Yankee Hill Annexation
PROJ NMBR: Annex #04005
PROJ DATE: 03/29/04
PLANNER: Brian Will

Finding NO DUPLICATE/SIMILAR sounding names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

STREETS:

PRIVATE:

COMMENTS: Have no problems with this request for annexation, HOWEVER we would STRONGLY RECOMMEND that ALL ADDRESSES with in the project be annexed rather than a hit and miss situation, which will cause difficulties in determining emergency responders.