

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER  
Annexation #18005

FINAL ACTION?  
No

OWNER  
9080 LLC

PLANNING COMMISSION HEARING DATE  
August 15, 2018

RELATED APPLICATIONS  
None

LOCATION  
S. 91<sup>st</sup> and Van Dorn Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request to annex approximately 9.97 acres of property which is contiguous to the City limits. The annexation will allow for future development to occur with City services. This property is presently a flag lot which has access to Van Dorn Street to the south. The applicant initially plans to build a single family home on the existing parcel but intends to subdivide as urban services are extended with the adjoining Wandering Creek development. The property is presently zoned AG but will as a condition of annexation agreement be rezoned to R-3 Residential in the future.



**JUSTIFICATION FOR RECOMMENDATION**

The subject property is adjacent to the City limits, and the full range of municipal services can be provided if annexed. Future R-3 zoning will be compatible with the adjoining planned development and with the Comprehensive Plan.

**APPLICATION CONTACT**

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**STAFF CONTACT**

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**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The site is designated for future urban density residential land use on the Future Land Use Map, and the request complies with the requirements of the Comprehensive Plan.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as Urban Residential on the 2040 Lincoln Area Future Land Use Plan.

Pg.12.6 - This site is shown in Tier 1, Priority B on the Growth Tier Map.

The ANNEXATION POLICY- page 12.14-12.15 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 that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. 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.

## UTILITIES & SERVICES

- A. Sanitary Sewer: The Steven's Creek Trunk Sewer is to be completed by the City by approximately June, 2019 for connection and extension to serve the general area. Sanitary sewer for this property would be through a connection from the Wandering Creek development to the south. The applicant may have a private wastewater system for one house prior to sanitary sewer extension to the parcel which would tentatively be in 2020 depending on the progression of the Wandering Creek development. As a condition of annexation agreement the applicant will dedicate necessary easements for sanitary

sewer for the Wandering Creek PUD for the flag portion of the parcel.

- B. Water: A 16" water main is currently available in Van Dorn Street. This line was recently installed to serve the newly annexed portion of Firethorn and extends to South 91<sup>st</sup> Street. The applicant may have a well for water for one house until the water line is extended to the parcel in mid to late 2019 tentatively depending on the progression of the Wandering Creek development.
- C. Roads: Nearby arterial streets include Van Dorn Street. The property currently has access via a flag lot extension to Van Dorn Street. As a condition of annexation agreement, the applicant will dedicate 60 feet from centerline on Van Dorn Street for right-of-way at no cost to the City upon request. In the interim prior to change of zone and developing the property, there will be a temporary rock access to serve the one house of the applicant.
- D. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire & Rescue (LFR). Lincoln Fire and Rescue Station 12 is located at 84th and South Streets. It will ultimately be moved to 84th and Pioneers Boulevard. Station 12 will be able to serve this area within department response time goals.

**ANALYSIS**

1. This request is to annex approximately 9.97 acres. The applicant initially plans to build a single home on the existing parcel. They are requesting the annexation in order to connect to City services, including water and sanitary sewer. In the future, the applicant plans to subdivide the property and as a condition of annexation agreement will be rezoned to R-3 Residential. The applicant has a contract to purchase the land but is not the owner at this time with the closing scheduled for August 17.
2. This property is contiguous to the City limit and is zoned AG Agricultural. This is an irregular tract parcel that was not included in the Wandering Creek PUD. It has a narrow flag lot connection to Van Dorn Street. This narrow part of the property will be needed in so far as easements for infrastructure extension to serve the Wandering Creek development.
3. The area to be annexed is located within Tier 1, Priority B of the Comprehensive Plan but near existing City limit and infrastructure. All utilities, including public water and sewer, exist adjacent or are in close proximity to the area of the request.
4. The subject property is located within the Southeast Fire District. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted the financial analysis and there is no money due the District.
5. The site is designated for future urban density residential land use on the Future Land Use Map, and the request complies with the requirements of the Comprehensive Plan.

**EXISTING LAND USE & ZONING:** Single Family Residential/Agriculture, AG Agriculture

**SURROUNDING LAND USE & ZONING**

North:	Single Family Residential/Agriculture	AG Agriculture
South:	Vacant	R-3 Residential
East:	Agriculture	AG Agriculture
West:	Agriculture	AG Agriculture

**APPROXIMATE LAND AREA:** 9.97 acres

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** City Council District #2

**LEGAL DESCRIPTION:** Lot 49, Irregular Tract, located in the SW 1/4 of Section 35-10-7, Lincoln, Lancaster County, Nebraska

Prepared by

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Date: August 2, 2017

Applicant/  
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Owner: 9080 LLC  
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### **CONDITIONS OF APPROVAL - ANNEXATION #18005**

1. Before the public hearing is held at the City Council, the developer signs the annexation agreement, which shall require:
  - a) Dedicate right of way along Van Dorn Street and necessary utility easements as requested by the City of Lincoln.
  - b) Reimburse the Southeast Rural Fire District, if required, for any costs associated with annexation.
  - c) Rezone the property to R-3 Residential in the future for development.



City of Lincoln/Lancaster County, NE

**Annexation #: AN18005**  
**S 91st St & Van Dorn St**

**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.35 T10N R07E

Area of Application

Zoning Jurisdiction Lines

Existing City Limits

