

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, September 10, 2008, 11:45 a.m.
Room 113, County-City Building, 555 S. 10th Street,
Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Gene Carroll, Michael Cornelius, Dick Esseks, Jim Partington, Lynn Sunderman and Tommy Taylor. Wendy Francis, Leirion Gaylor Baird and Roger Larson absent.

OTHERS IN ATTENDANCE: Roger Figard and Steve Masters, Public Works and Utilities; Marvin Krout, Stephen Henrichsen, Mike DeKalb, Brian Will, Tom Cajka and Michele Abendroth of the Planning Department; and other interested parties.

STATED PURPOSE OF MEETING: **Annexation Study & Rural Development Policies**

The meeting was called to order at 11:45 a.m. The Nebraska Open Meetings Act was acknowledged.

Steve Henrichsen stated that the City routinely annexes land at the request of a developer or land owner. Also, the City conducted annexation studies annually from 1994 to 1999. As a result of these studies, land was annexed unilaterally on a regular basis. From 2000 to 2007, the City only initiated annexation in the Yankee Hill neighborhood as a result of a request by the Regional Center for water service.

Staff recently completed a review of land adjacent to the Lincoln city limits, and 14 areas were identified for annexation within the next 12 months. Staff looks to the Comprehensive Plan to determine if an area is appropriate for annexation. They have calculated the revenue for each of the 14 areas proposed. There is a one-page summary report and a map for each of the areas proposed.

With respect to public notification of the annexations, staff is notifying 375 property owners this week of the annexations. There are two open houses scheduled on September 25 and October 2. Both meetings are open to the public. It is anticipated that the annexations will be on the Planning Commission agenda in January 2009. Experience has shown that it is better to give people ample time to review the information and get answers to any questions they may have. Taxes will not be payable until 2010.

Esseks asked if the City will maintain private roads. Henrichsen stated that he does not believe there are any private roads in the annexation. If there were, they would be maintained privately. Figard noted that if there is a gravel road, the City would not be

required to make it a paved road at public expense. The City would maintain and remove snow on gravel roads.

In response to a question regarding approval from property owners, Henrichsen noted that in Nebraska you do not need the property owner's agreement to annex an area. He added that staff is only looking at annexations in Priority A areas because there are water and sewer lines already in place. Most of the areas are urban in use. There will be costs to the City and the property owners, but with the annexations taking place in February 2009, staff feels that gives property owners ample notification time.

Henrichsen then briefly reviewed the 14 proposed annexation areas as follow:

1. **N. 56th and Salt Creek.** There are two properties in this area that were not annexed in an earlier annexation. Both of these properties involve wetlands, and potentially they may be able to work out a conservation easement with the property owners.
2. **84th & Cornhusker Highway.** There is some developed land in this area, but the majority is vacant. Water is generally available.
3. **S. 70th & Yankee Hill Road.** This area is generally surrounded on three sides by the City limits. All but a few of the parcels are in residential use. There is not water and sewer within the subdivision today. This is an area that recently paved their roads. There are 108 houses in this area. Part of the area is in the rural water district.
4. **S. 40th & Yankee Hill Road.** This area is surrounded on three sides by the City limits. The single dwelling unit is on approximately 7 acres. The remaining area is in use as a golf course. The club house has already been annexed.
5. **S. 27th & Rokeby Rd.** There are four parcels in this area which are residential in use. A sewer line was recently built in this area. It has met staff's criteria for urban type residential lots.
6. **Warlick Boulevard & Salt Creek.** This area is the Prairie Bowman Archery Range. It is triangular in shape and is surrounded on two sides by the City limits. They are in the process of selling this range and moving the facility. The municipal code currently does allow archery ranges inside the city limits.
7. **S. 8th & Pioneers Boulevard and 1st & Van Dorn Street.** This area includes two parts: The first area is owned by the State of Nebraska except for the residence in the northwest corner. The second area is zoned I-1 Industrial and is in use as a sod farm.
8. **S. Folsom & W. Calvert Street.** This area is surrounded on three sides by the City limits. The area to the north is in the City limits as are the Regional Center and scattered lots along S. Folsom and W. Burnham Street. There are 101 dwelling units in the area as well as commercial space.
9. **NW 48th & Interstate 80.** The area south of West O Street is in residential use with industrial uses east, commercial across O Street and agricultural uses to the south and west. There are 5 dwelling units in the southern area.
10. **NW 39th & W. Adams.** There is public property at the airport. This area was not included for annexation in the past. This area is surrounded by the City limits on 3 sides.

11. **NW 12th & Highway 34.** This area is 5.5 acres owned by NEBCO and is not part of the Highlands or Fallbrook. This area is completely surrounded by the City limits on all sides. It is currently open space. There are agricultural uses to the north and residential uses to the east.
12. **N. 7th & Fletcher Ave.** This area is almost completely surrounded by the City limits. All the properties are in residential use. There are 50 dwelling units in the area.
13. **N. 27th & Interstate 80.** This area is designated for future development in the Stone Bridge Creek preliminary plat. It is surrounded on 3 sides by the City limits. Water and sewer are available.
14. **N. 40th & Superior Street.** The majority of this area is currently undeveloped and abuts the City limits on the east, south and west. The western portion is currently in the process of being annexed at the request of the owner. This area is south of the old landfill at N. 48 and includes Boosalis Park and the Lincoln Gun Club. This area may or may not be ready for annexation in January. There is a law that prohibits gun firing in the City limits, but there is not an exemption at this time for indoor gun firing. Staff has spoken with the Police Chief about this, and he is comfortable with an indoor firing range as long as there are specific requirements and restrictions.

Esseks asked if justification for each of the annexations could be included in the one-page summary. Henrichsen stated that more detailed information and justification will be included in the staff report. Esseks believes that justification should be identified as well as any benefits. Henrichsen also noted that staff is not trying to hide the fact that these property owners will be paying higher property taxes. There are also potential benefits such as insurance rates going down and faster fire and emergency response times.

Carroll noted that some property owners may say that they are being annexed just so the City can get more property taxes. Henrichsen noted that if that were the case, these annexations would be effective this year. Additionally, there are many upfront costs to the City and the financial benefit will not be realized until many years later.

Esseks asked about the anticipated sales tax. Henrichsen noted that most of these areas are already built out, so no additional sales tax dollars will be gained.

Masters questioned how rural water district (RWD) debt payment would occur in the event annexation occurs for properties served by RWD. Henrichsen stated that those costs are proposed to be paid by the City General Fund.

There being no further questions, the annexation discussion concluded.

Krout then stated that staff would like to review the rural development policies. DeKalb stated this issue was brought forward by Jim Partington as he felt the recent Sagebrook development should have been eligible for the 10th lot in the CUP and that the density calculations need to be reviewed. Partington's suggestion is that staff look at finding a simplified way to give AG cluster developments a bonus either by rounding up the density calculation or by giving them an additional unit or units. Partington

stated that this issue is being addressed for two reasons: the first is simplicity and the second is so that people know exactly what to expect.

Partington stated that there should be an easy way and an incentive for acreage owners to cluster.

DeKalb stated that staff is proposing 4 cluster units for 75 acres of farmland.

Esseks stated that the issue is if we want to encourage clustering.

Esseks asked if we are increasing overall density. DeKalb stated that it would not be much.

Esseks stated that he feels the recommendation makes good sense as long as we can put into the zoning ordinance a really good explanation. He also feels it should be noted that this is an alternative to AGR.

Commissioners asked staff to draft a document of the proposed recommendations.

The meeting was adjourned at 12:50 p.m.

Respectfully submitted,

Michele Abendroth
Planning Department