

City Council Introduction: **Monday**, September 27, 2004
Public Hearing: **Monday**, October 4, 2004, at **1:30** p.m.

Bill No. 04-185
Bill No. 04-186
Bill No. 04-187

FACTSHEET

TITLE: CHANGE OF ZONE NO. 04045 (A, B and C),
requested by the Director of Planning, amending Title
27 of the Lincoln Municipal Code relating to use
permits, special permits and community unit plans.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Miscellaneous No. 04009,
amendments to the City of Lincoln Design Standards
for Community Unit Plans (04R-269).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 09/15/04
Administrative Action: 09/15/04

RECOMMENDATION: Approval (7-0: Carlson, Carroll,
Krieser, Larson, Marvin, Bills-Strand and Sunderman
voting 'yes'; Taylor and Pearson absent).

FINDINGS OF FACT:

1. This application to amend sections of the zoning ordinance regarding use permits, special permits and community unit plans consists of three separate ordinances (04-185, 04-186 and 04-187).
2. The purpose of the proposed text amendments is to follow the recommendations of the Mayor's Development Review Streamlining Committee to simplify and streamline the development process.
3. An explanation of the proposed changes and staff recommendation are found in the "Analysis" on p.2-3. These include: delegating more final actions to the Planning Commission (subject to appeal to City Council), simplifying site plan submission requirements, simplifying the administrative approval of minor site plan changes and eliminating special sign standards for Corporate Office Park PUD's, which were proposed to be deleted as a special category in the PUD provisions.
4. The specific additions, deletions and changes to the text are set forth in the proposed ordinances.
5. On September 15, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak. However, the associated amendment to the City of Lincoln Design Standards (04R-269) had public hearing.
6. On September 15, 2004, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 20, 2004

REVIEWED BY: _____

DATE: September 20, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.04045

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 15, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #04045

PROPOSAL: To revise the text of Sections 27.27(O-3), 27.28 (R-T), 27.31 (B-2), 27.37 (B-5), 27.65 (CUP), 27.69 (Signs), and 27.70 (Additional Use Regulations).

CONCLUSION: In conformance with the Comprehensive Plan.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

COMPREHENSIVE PLAN SPECIFICATIONS:

Examine ways of simplifying the development regulations and supporting documentation to encourage a broader understanding of planning concepts and their relevance to neighborhoods' and businesses' continuity and viability. (F-52)

As these are applied in the future, consideration should be given to the continued use and possible expansion of "fast track" incentives. These incentives allow development proposals to be reviewed, and possibly approved in a shorter period of time than might normally occur. (F-53)

Another procedural technique currently in use is giving the City-County Planning Commission broader approval authority for selected types of administrative actions. In some cases, the Commission can give final approval to a development proposal, thus by-passing the City Council and County Board. This saves the developer time in the review process. Appeal procedures are also part of this process should additional review by the Council or Board be desired by the applicant or others. (F-53)

ANALYSIS:

1. This is a request to amend the Zoning Ordinance text in order to simplify and streamline the development process.
2. Section 27.27 O-3, Office Park, 27.28, R-T Residential Transition, 27.31 B-2, Planned Neighborhood Business, 27.35 B-5, Planned Regional Business
 - a. Eliminates the requirement that signs and accessory units be shown on the site plan for use permits.
3. Section 27.63 Special Permits
 - a. Allows all special permits without height or area waivers to be final action at Planning Commission, subject to appeal to City Council. The following special permits have been changed: Early Childhood Care facilities, Mobile Home Courts, Recreational facilities, Parking lots, Elderly and retirement housing, Expansion of a non-conforming use, Historic preservation, WECS, Greenhouses, Planned Service Commercial, Race Tracks for motorized vehicles, Nonprofit Religious Education and

Philanthropic Institutions R-6, R-7 and R-8 Districts, and Temporary Storage of Construction Equipment and Materials.

4. Section 27.65, Community Unit Plan
 - a. Allows Planning Commission to act on items previously reserved for City Council, indicated as follows.
 - b. Planning Commission may grant dwelling unit bonuses based on subsidized housing.
 - c. Planning Commission may have final consideration of CUPs that do not request setback waivers. CUPs may be appealed to City Council.
 - d. Level of compliance with site plan is changed from “strict” to “substantial” in order to simplify the approval of very minor modifications.
 - e. The Planning Director may increase dwelling units by 15% cumulative additional dwelling units up to the maximum allowed for the district.
 - f. Planning Commission may modify parking regulations.
5. Section 27.70.050 Requirements After Approval (Use Permits)
 - a. Removes outdated language due to recent text changes.
 - b. Level of compliance with site plan changed from “strict” to “substantial”, and allows the Planning Director to approve minor variations at the time of building permit.
 - c. Eliminates the requirement that signs and accessory units be shown on site plans.
6. Section 27.69.083, 27.69.085, 27.69.160, 27.69.220, Signs
 - a. Eliminates the requirement that signs be shown on the use permit site plan.
 - b. Eliminates the sign requirements for Corporate Office Park PUDs since they are now obsolete.
7. Eliminating the requirement that signs and accessory units be shown on the site plans of use permits, as they generally should not affect the aesthetics of a project. Signs and accessory units must continue to meet the standards for signs and accessory units of the district. Planning Commission and City Council continue to have the opportunity to restrict signs and accessory units on a case by case basis.
8. In all cases, the Planning Commission may restrict the Planning Director’s administrative discretion by amending the original approval at the time of the public hearing.

9. The Planning Commission has directed that standards for signs and lighting be reviewed in the future by staff to identify needed improvements.

Prepared by:

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Planner

DATE: September 1, 2004

APPLICANT: Marvin S. Krout
Director of Planning
Planning Department

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CHANGE OF ZONE NO. 04045

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

September 15, 2004

Members present: Carlson, Carroll, Krieser, Larson, Marvin, Bills-Strand and Sunderman; Taylor and Pearson absent.

The Consent Agenda consisted of the following items: ***CHANGE OF ZONE NO. 04045; MISCELLANEOUS NO. 04009; SPECIAL PERMIT NO. 04045; COUNTY SPECIAL PERMIT NO. 04046, MUSTANG RIDGE COMMUNITY UNIT PLAN; COUNTY PRELIMINARY PLAT NO. 04020, MUSTANG RIDGE; COMPREHENSIVE PLAN CONFORMANCE NO. 04005; and COMPREHENSIVE PLAN CONFORMANCE NO. 04006.***

Item No. 1.1b, Miscellaneous No. 04009, Item No. 1.3a, County Special Permit No. 04046 and Item No. 1.3b, County Preliminary Plat No. 04020, were removed from the Consent Agenda and had separate public hearing.

Ex Parte Communications: Marvin reported a phone call from Bob Norris encouraging the approval of Change of Zone No. 04045.

Marvin moved to approve the remaining Consent Agenda, seconded by Krieser and carried 7-0: Carlson, Carroll, Krieser, Larson, Marvin, Bills-Strand and Sunderman voting 'yes'; Taylor and Pearson absent.

Note: This is final action on Special Permit No. 04045, 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.