

Public Hearing: November 1, 2004

F A C T S H E E T

TITLE: Resolution for Impact Fee Appeal with Charles Brubaker.

SPONSOR:

OPPONENTS: Public Works & Utilities

OTHER DEPARTMENTS AFFECTED:

STAFF RECOMMENDATION: Denial

APPLICANT: Charles Brubaker, Brubaker Rentals

REASON FOR LEGISLATION: Impact Fee Appeal

D I S C U S S I O N

This application does not meet any of the stipulations required for reduction in an impact fee. According to Section 27.82.110 of the Impact Fee Ordinance, the City Council shall not waive fees unless there is a finding that the fee was incorrectly calculated or that there are unusual circumstances which demonstrate that application of the fee for the development would be unfair or unjust. Those findings do not exist in this matter.

The arterial impact fee was correctly calculated based upon the Arterial Street Impact Fee Schedule. Appellant is converting a multi-family dwelling with three dwellings at 2300 B Street into a multi-family dwelling with four dwellings. Lincoln Municipal Code § 27.82.050(4) provides that the impact fee shall be based on the net increase in the fee for the new use as compared to the previous use provided that the previous use was in operation within 15 years prior to the building permit for the redevelopment. Here the previous use is the use of the building as a multi-family dwelling containing three dwellings rather than a multi-family dwelling containing four dwellings as the four-dwelling use of the building was not in existence within 15 years prior to this proposed conversion. According to the Arterial Street Impact Fee Schedule, beginning January 1, 2004, the Arterial Street Impact Fee for a multi-family dwelling is \$903 per dwelling. Therefore, calculating the fee pursuant to Lincoln Municipal Code § 27.82.050(4) the impact fee is \$903.00 x 4 dwellings - \$903.00 x 3 dwellings = \$903.00.

POLICY OR PROGRAM CHANGE: No

FACT SHEET PREPARED BY:

Asst. Public Works/Utilities Business Manager

REVIEWED BY:

Director of Public Works/Utilities