

FACTSHEET

TITLE: MISCELLANEOUS NO. 05021, a text amendment to Title 26 of the Lincoln Municipal Code, requested by the City Law Department at the request of Council Member Jonathan Cook, relating to the Land Subdivision Ordinance, by amending Sections 26.11.037, 26.11.060 and 26.31.010 to modify the City Council's action on a matter appealed from the Planning Commission to the City Council.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUEST: Change of Zone No. 05065 (05-150)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/28/05
Administrative Action: 09/28/05

RECOMMENDATION: Approval (9-0: Carlson, Carroll, Esseks, Krieser, Larson, Person, Strand, Sunderman and Taylor voting 'yes').

FINDINGS:

1. This proposed text amendment to the Land Subdivision Ordinance and the associated proposed text amendment to the Zoning Ordinance (Change of Zone No. 05065), were heard at the same time before the Planning Commission.
2. This proposed text amendment modifies the language relating to the City Council action on matters appealed from the Planning Commission.
3. The staff recommendation of approval is based upon the "*Analysis*" as set forth on p.1, concluding that the proposed text amendment is in conformance with the Comprehensive Plan.
4. On September 28, 2005, Commissioner Pearson removed this application from the Consent Agenda for further clarification and discussion (See Minutes, p. 4).
5. There was no testimony in opposition.
6. On September 28, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 3, 2005

REVIEWED BY: _____

DATE: October 3, 2005

REFERENCE NUMBER: FS\CC\2005\MISC.05021

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 28, 2005 PLANNING COMMISSION MEETING

PROJECT #: Miscellaneous #05021

PROPOSAL: To amend Title 26, Land Subdivision to modify City Council's action on a matters appealed to the City Council.

CONCLUSION: In conformance with the Comprehensive Plan.

RECOMMENDATION:

Miscellaneous #05021:

Approval

GENERAL INFORMATION:

ASSOCIATED APPLICATIONS: Change of Zone #05065 has been filed requesting similar language modifications on matters appealed to the City Council to various sections of Title 27, Zoning Code.

HISTORY: The City Law Department at the request of Councilman Jonathan Cook has filed this application to request the repeal of certain sections of Title 26, Land Subdivision as they exist currently by amending the text to such sections as they relate to City Council's action on matters appealed to them by aggrieved parties. The intent of such action is to clarify the language and provide full flexibility for the City Council in considering such appeals.

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-152)

ANALYSIS:

1. The following sections of Title 26, Land Subdivision are proposed to be repealed as they exist currently and amended: 26.11.037, 26.11.060, and 26.31.010. (See Ordinance).

Prepared by:

Joe Rexwinkle
Planner

DATE: September 15, 2005

APPLICANT: City Law Department at request of Councilman Jonathon Cook

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**CHANGE OF ZONE NO. 05065,
TEXT AMENDMENT TO TITLE 27
and
MISCELLANEOUS NO. 05021,
TEXT AMENDMENT TO TITLE 26**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 28, 2005

Members present: Krieser, Taylor, Pearson, Larson, Strand, Carroll, Esseks, Sunderman and Carlson.

Ex Parte Communications: None.

This application was removed from the Consent Agenda and had separate public hearing at the request of Commissioner Pearson.

Proponents

Rick Peo of the City Law Department appeared to answer questions.

Pearson asked Peo to clarify the purpose of these text amendments. Peo explained that under the existing procedures, when a matter is appealed from the Planning Commission to the City Council, there are two resolutions drafted – one to affirm the action of the Planning Commission, and a second to reverse the action of the Planning Commission. Council Members, Jonathan Cook, requested these text amendments to simplify the procedure such that only one resolution is prepared for the City Council. Thus, the Planning Commission action becomes advisory to the City Council as opposed to final action. The City Council then proceeds to make the same type of decision under the same criteria. There won't be any substantial difference in the way that the matters are handled. It does not change the action of the Planning Commission of approval or denial. It basically simplifies the paperwork in front of the City Council. It does not change the timeline.

Peo further clarified that the applicant will be required to file an appeal, at which time the Planning Commission decision becomes an advisory recommendation that goes to the City Council. Krout further clarified that it is only a language change. It does not change any other procedure.

There was no testimony in opposition.

CHANGE OF ZONE NO. 05065

ACTION BY PLANNING COMMISSION:

September 28, 2005

Larson moved approval, seconded by Krieser and carried 9-0: Krieser, Taylor, Pearson, Larson, Strand, Carroll, Esseks, Sunderman and Carlson voting 'yes'. This is a recommendation to the City Council.

MISCELLANEOUS NO. 05021

ACTION BY PLANNING COMMISSION:

September 28, 2005

Carroll moved approval, seconded by Larson and carried 9-0: Krieser, Taylor, Pearson, Larson, Strand, Carroll, Esseks, Sunderman and Carlson voting 'yes'. This is a recommendation to the City Council.