City Council Introduction: **Monday**, December 18, 2006
Public Hearing: **Monday**, January 8, 2007, at **1:30** p.m. Bill No. 06-215

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 06079,** a text amendment to Title 27 of the Lincoln Municipal Code, requested by Civil Design Group, to amend Section 27.65.075 to revise the requirement for a future development plan for the Acreage Development component of a BTA (build-through) Community Unit Plan.

STAFF RECOMMENDATION: Approval, with additional language.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/06/06
Administrative Action: 12/06/06

RECOMMENDATION: Approval 8-0 (Cornelius, Sunderman, Taylor, Larson, Krieser, Carroll, Esseks and Carlson voting 'yes'; Strand absent).

FINDINGS OF FACT:

1. The current regulations were developed with the assumption that lots should have a conversion plan to facilitate subdivision into three smaller lots when urban services are available. Thus 3-acre lots would be "ghost platted" to one acre lots, and one acre lots to 1/3 acre lots. Lots of less than 1/3 acre need not be "ghost platted".

2. This request is to amend the CUP build-through standards to allow the Acreage Component with lots of ½ acre in size (rather than 1/3 acre), **not** to be required to provide a conversion plan (ghost plat), if the total coverage area is reduced by 20%. The maximum coverage now is 25% in the AG, 40% in the AGR and 20% in the AG or AGR if a community sewer system is used.

3. The staff recommendation of approval is based on the "Analysis" as set forth on p.2, concluding that the trade-off of convertibility for a smaller coverage footprint is a good compromise that responds to current market trends while reserving more land for future urban development.

3. The minutes of the public hearing before the Planning Commission are found on p.4-5.

4. There was no testimony in opposition.

5. On December 6, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Strand absent).

FACTSHEET PREPARED BY: Jean L. Walker **DATE**: December 12, 2006

REVIEWED BY:_____ **DATE**: December 12, 2006

REFERENCE NUMBER: FS\CC\2006\CZ.06059 BTA text

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for December 6, 2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.06079

PROPOSAL: Amend section 27.65.075, (b), BTA Community Unit Plan, to revise the requirement for a future development plan for the Acreage Development component.

CONCLUSION: This amendment would eliminate the requirement that the Acreage Development Component development area do an urban conversion plan if the lots are less than ½ acre and the allowed Acreage Development Component coverage is reduced by 20%. The trade-off of convert-ability to a smaller coverage footprint is a comprise that responds to current market trends.

RECOMMENDATION:	Approval

ANALYSIS:

1. This request is to amend the CUP build through standards, which apply to acreage lots in the 3 - mile ring around the city, to allow the Acreage Component with lots of one half acre in size, **not** to be required to provide a conversion plan (ghost plat) if the total coverage area is reduced by 20%. The maximum coverage now is 25% in the AG, 40% in the AGR and 20% in the AG or AGR if a community sewer system is used.

2 The current regulations were developed with the assumption that lots should have a conversion plan to facilitate subdivision into three when urban services are available. Thus 3 acre lots would "ghost plat" to one acre lots and one acre lots would get down to about 1/3 acre. This has recently been amended to allow acreages less than 1/3 acre not to have to provide for future splits.

3. This applicant has indicated they have a market plan that is dependent on half acre lots without future lot splits or building envelopes. They indicate that such lots exist in Lincoln today and could be used under existing zoning. As a balance, they would reduce the allowed footprint of the Acreage Development area by 20% in order to allow more of the total area to be reserved for future urban density platting.

4. Though this is somewhat contrary to the original intent of the Build Through provisions, the City also should reflect market issues.

5. Following is the proposed text. Double underline is a amendment by staff:

Chapter 27.65 LMC
COMMUNITY UNIT PLAN

27.65.075 Form of Community Unit Plan in the BTA Overlay District.
(b) A future final plot plan for conversion of the Acreage Development Component shall be provided unless the final plot plan for the Acreage Development Component has an average lot size of less than one third acre. If the average lot area in final plot plan for the Acreage Development Component is between one-third acre to one acre, the future final plot plan shall provide at least two times the number of lots included in said final plot plan. If the Acreage Development Component coverage area of the CUP is reduced by 20%, a future final plot plan for conversion of the Acreage Development Component shall be provided unless the final plot plan for the Acreage Development Component has an average lot size of less than one-half acre and no lot in the acreage development component coverage area exceeds one acre. If the Acreage Development Component coverage area of the CUP is reduced by 20% and the average lot area in the final plot plan for the Acreage Development Component is between one-half acre to one acre, the future final plot plan shall provide at least two times the number of lots included in said final plot plan. If the average lot area in the final plot plan for the Acreage Development Component is more than one acre but less than three acres, the future final plot plan shall provide at least 2.5 times the number of lots included in said final plot plan. If the average lot area in the final plot plan for the Acreage Development Component is three acres or more, the future plot plan shall provide at least 3.0 times the number of lots included in said final plot plan. Any calculation of the number of lots to be included in the future plot plan resulting in a partial lot shall be rounded up to the next whole number. The future final plot plan providing for conversion of the Acreage Development Component to higher urban residential density shall be accurately, clearly, and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and shall contain the information required for final plot plans in Section 27.65.070 and the following information:

Prepared By:

Mike DeKalb
441-6370, mdekalb@lincoln.ne.gov
Planner
November 20, 2006

APPLICANT: Mike Eckert, AICP
Civil Design Group, Inc.
3901 Normal Blvd, Ste 203
Lincoln, NE 68506
(402) 434-8494

CONTACT: Same

CHANGE OF ZONE NO. 06079

PUBLIC HEARING BEFORE PLANNING COMMISSION: December 6, 2006

Members present: Larson, Krieser, Carroll, Esseks, Taylor, Sunderman, Cornelius and Carlson (Strand absent).

Ex Parte Communications: None.

Staff recommendation: Approval.

Staff presentation: **Mike DeKalb of Planning staff** presented the application, requested by Civil Design Group, to adjust the minimum size of lot not required to provide a conversion plan (ghost plat) from one-third acre to one-half acre, and to reduce the total coverage area by 20%. Staff added language to the applicant's proposal to provide that "no lot in the acreage development component coverage area exceed one acre".

Esseks asked for an explanation of the 20% reduction. DeKalb stated that there is a separate provision in the section that talks about total footprint of the acreage component versus the urban reserve component. This is intended to provide that they can go up to ½ acre lots without a ghost plat if the footprint previously set out is in fact reduced 20%, resulting in a tighter package with bigger lots without the ghost plat. In allowing a larger lot without ghost plats, it reserves a bigger area of urban reserve and the staff was satisfied with that tradeoff.

Carroll noted that Public Works and the County Engineer are opposed to this change from one-third to one-half acre lots. DeKalb was not aware of their rationale but contended that this still accomplishes all that was intended to be accomplished in the build-through ordinance.

Cornelius confirmed that there is no technical reason with regard to roads, sewer or water that this should be denied. DeKalb agreed. If we in fact get more land available for full urban utilities, it should more than make up for any downside.

Proponents

1. Mike Eckert of Civil Design Group, Inc., testified as the applicant for this text amendment. As we continue to process development under the new regulations on build-through, we discover more and more scenarios that we like to discuss. The staff has been very flexible to "buff up" that minimum lot size from one-third to one-half acre. Ironically, none of the R-1 through R-6 districts in the urban environment have a lot size limit. If you take 100 acres in the AGR District, the maximum coverage is now 40%, and what this amendment does is take that down another 20% so that you can cover 32 acres, leaving 8 more acres for that future urban density.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: December 6, 2006

Carroll moved approval, seconded by Esseks and carried 8-0: Larson, Krieser, Carroll, Esseks, Taylor, Sunderman, Cornelius and Carlson voting 'yes'; Strand absent. This is a recommendation to the City Council.

Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

November 9, 2006

Marvin Krout, Director of Planning
HAND DELIVERED

RE: Proposed Text Amendment Request:

Dear Mr. Krout:

On behalf of our client Rezac-Pickering-Williams, LLC we are requesting the following text amendment to section 27.65.075 (b) regarding average lot size requiring future subdivision of lots be review and considered for public hearing at the December 6, 2006 Planning Commission meeting.

PROPOSED TEXT AMENDMENT:
For Chapter 27.65.020 (b):

Amend the current text to insert the language underlined below:

> *A future final plot plan for conversion of the Acreage Development Component shall be provided unless the final plot plan for the Acreage Development Component has an average lot size of less than one-third acre. If the average lot area in final plot plan for the Acreage Development Component is between one-third acre to one acre, the future final plot plan shall provide at least two times the number of lots included in said final plot plan. <u>If the Acreage Development Component coverage area of the CUP is reduced by 20%, a future final plot plan for conversion of the Acreage Development Component shall be provided unless the final plot plan for the Acreage Development Component has an average lot size of less than one-half acre. If the Acreage Development Component coverage area of the CUP is reduced by 20% and the average lot area in the final plot plan for the Acreage Development Component is between one-half acre to one acre, the future final plot plan shall provide at least two times the number of lots included in said final plot plan</u>. If the average lot area in the final plat plan for the Acreage Development Component is more than one acre but less than three acres…..*

Thank you for your willingness to review this amendment and provide another example of the departments' ability to provide flexibility in this circumstance as market conditions continue to evolve in the acreage arena.

Sincerely,

Mike Eckert, AICP

cc: Mike DeKalb
Gary Pickering
Mike Rezac

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LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

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M e m o r a n d u m

To: Mike Dekalb, Planning Department

From: Dennis Bartels, Engineering Services

Subject: Text Change - CUP Build Through

Date: November 17, 2006

cc: Roger Figard
Randy Hoskins

If I understand the proposed text change correctly, the proposed zoning text change does not directly affect Public Works but this change does appear to promote "urban sprawl" by allowing larger lots that will be impractical to subdivide further in the future and likely require more infrastructure per lot to serve future city areas.

Lancaster County Engineering Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

RECEIVED
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LINCOLN-LANCASTER COUNTY PLANNING

DATE: November 15, 2006

TO: Mike DeKalb
Planning Department

FROM: Larry V. Worrell
County Surveyor

SUBJECT: CUP BUILD THROUGH TEXT CHANGE

It appears that the intent of subject text change is to allow one-half acre lots instead of one-third acre lots be the cutoff for providing a future conversion plan. As the City of Lincoln grows and annexes rural acreages, one-half acre lots would seem quite large for urban residential lots. The maximum of one-third acre lots should remain and subject text change should be denied.

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LVW/DP/pb
Phyllis/Zone/#06079 Change of Zone

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