

City Council Introduction: **Monday**, December 6, 2004
Public Hearing: **Monday**, December 13, 2004, at **1:30 p.m.**

Bill No. 04-218
Bill No. 04-219

FACTSHEET

TITLE: CHANGE OF ZONE NO. 04072A and CHANGE OF ZONE NO. 04072B, text amendments to Title 27 of the Lincoln Municipal Code, requested by the Director of Planning, by amending section 27.63.025 to allow City Council members to appeal the decision of the Planning Commission on special permits; and by amending section 27.80.025 to change the fee structure for an application for a Planned Unit Development.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 11/10/04
Administrative Action: 11/10/04

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

STAFF RECOMMENDATION: Approval.

FINDINGS OF FACT:

1. The proposed amendment to section 27.63.025 amends the appeal procedure on special permits to allow individual City Council members to appeal a decision of the Planning Commission.
2. This amendment was initiated by the Director of Planning at the request of the City Council on October 4, 2004. The City Council voted on that date to place Change of Zone No. 04045 (Bill #04-186 and #04-187), which would allow all special permits to have final action by the Planning Commission, on pending until it could be considered in conjunction with the additional language on appeals.
3. The proposed amendment to section 27.80.025 revises the fee structure for a Planned Unit Development in conjunction with the amendments to the Planned Unit Development ordinance previously adopted by the City Council.
4. The staff recommendation of approval is based upon the "Analysis" as set forth on p.2.
5. On November 10, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
6. On November 10, 2004, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 30, 2004

REVIEWED BY: _____

DATE: November 30, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.04072

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 10, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone 04072

PROPOSAL: To amend 27.63.025 Appeal of Planning Commission Action in order to allow City Council members to appeal the Planning Commission decisions on special permits and to amend 27.80.025 Planned Unit Development in order to update the fee.

CONCLUSION: Allows individual Council members the authority to appeal the action of the Planning Commission on special permits. Establishes a single fee for a Planned Unit Development applications.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

COMPREHENSIVE PLAN SPECIFICATIONS:

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 appeal procedure of special permits, to allow individual City Council members to appeal a decision of the Planning Commission. Change of Zone #04045 would allow all special permits to have final action at Planning Commission. The City Council requested an amendment to the appeals procedure to allow individual city council members the authority to appeal a decision of the Planning Commission. Change of Zone #04045 was placed on the City Council pending list so this amendment could be considered at the same time.
2. This is also a request to amend the application fee for Planned Unit Developments. Presently the fee structure is based on a preliminary and final PUD submission, however, the zoning text was amended to eliminate the submission of a preliminary PUD. The proposed amendment provides one single fee. The proposed \$500 fee is the same as the fee for a change of zone in excess of one acre plus \$25 per dwelling unit up to a maximum unit fee of \$2,500 (the per unit fee is the same calculation used for a CUP).

Prepared by:
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Planner

DATE: October 26, 2004

APPLICANT: Marvin S. Krout
Director of Planning
Planning Department

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Proposed Text

27.63.025 Appeal of Planning Commission Action.

(a) Any aggrieved person or council member or any person or group officially designated to participate in the administration of this title may appeal any action of the Planning Commission to the City Council by filing notice of appeal with the City Clerk within fourteen days following the action of the Planning Commission.

(b) Upon receipt of the appeal by the City Council, the council shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Chapter 27.81.

©) The City Council may, after public hearing, in conformity with the provisions of this title reverse or affirm, wholly or partially, or may modify the action of the Planning Commission appealed from. (Ord. 15239 §7; August 7, 1989).

27.80.025 Planned Unit Development.

The following filing fees shall be charged at the time of filing an application for a planned unit development:

(a) Filing Fee of \$500.00

(b) Unit Fee of \$25.00 per dwelling unit to a maximum unit fee of \$2,500.00.

~~(a) For the filing of a preliminary plan, \$500.00.~~

~~(b) For the filing of a final plan, \$500.00.~~

(Ord. 18229 §7; August 18, 2003; prior Ord. 17548 § 2; September 7, 1999; Ord. 15214 §2; July 10, 1989).

CHANGE OF ZONE NO. 04072

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

November 10, 2004

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04071, CHANGE OF ZONE NO. 04072, CHANGE OF ZONE NO. 04073 and USE PERMIT NO. 04005.**

Item No. 1.4, Use Permit No. 04005, was removed from the Consent Agenda and scheduled for separate public hearing.

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