

City Council Introduction: **Monday**, April 11, 2005
Public Hearing: **Monday**, April 18, 2005, at **1:30** p.m.

Bill No. 05-44

FACTSHEET

TITLE: MISCELLANEOUS NO. 05005, a text amendment to Title 26 of the Lincoln Municipal Code, requested by the Director of Planning, by amending section 26.11.032 and section 26.31.015 to clarify that a preliminary plat is not required when a community unit plan, planned unit development, special permit or use permit is submitted that contains all of the necessary information for a subdivision.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 03/30/05
Administrative Action: 03/30/05

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

FINDINGS OF FACT:

1. This proposed text amendment will eliminate the need to request a waiver of the preliminary plat when the tract to be subdivided is included in a community unit plan, planned unit development, special permit or use permit.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.2, concluding that the proposed text amendment is in conformance with the Comprehensive Plan.
3. On March 30, 2005, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On March 30, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 4, 2005

REVIEWED BY: _____

DATE: April 4, 2005

REFERENCE NUMBER: FS\CC\2005\MISC.05005

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 30, 2005 PLANNING COMMISSION MEETING

P.A.S.: Miscellaneous No. 05005

PROPOSAL: To amend the text of the Land Subdivision Ordinance in 26.11.032 and 26.31.015

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-152)

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-153)

HISTORY

February 14, 2005 Miscellaneous #04014 to amend the subdivision ordinance was adopted by City Council.

ANALYSIS:

1. This amendment to Section 26.11.032 is to clarify that a preliminary plat is not required when a community unit plan, planned unit development, special permit or use permit is submitted that contains all necessary information for a subdivision.
2. This amendment will eliminate the need to request a waiver to the preliminary plat when the tract to be subdivided is included in a community unit plan, planned unit development, special permit or use permit.

Proposed Language

26.11.032 Filing Preliminary Plat for Planning Commission Hearing.

Except as provided in Section 26.11.050(b) and Section 26.31.015, a preliminary plat shall be required for all subdivisions. The subdivider shall file with the Planning Director copies of the preliminary plat in the form hereinafter provided, together with copies of the owners' statement and accompanying data, the number of copies to be determined by the Planning Director. The

preliminary plat shall be deemed filed on the date said plat and accompanying data is received in the Planning Director's office. ~~When a change of zone, special permit, use permit, or planned unit development is required, such application shall accompany the filing of the preliminary plat.~~

The preliminary plat may be scheduled for a hearing by the Planning Commission provided:

(a) The subdivider files a complete preliminary plat as required in Section 26.15.020 at least four Thursdays prior to the Planning Commission meeting; and

(b) The Planning Director determines that the preliminary plat substantially complies with the requirements of this title and adopted design standards.

However, no hearing shall be held by the Planning Commission until notice of said hearing has been given as provided in Section 26.11.036.

26.31.015 Coordinating Subdivision and Community Unit Plan, Planned Unit Development, Special Permit, and Use Permit.

A preliminary plat is not required ~~W~~ whenever the tract to be subdivided is included in a community unit plan, planned unit development, special permit, or use permit, ~~+~~ The approval of said community unit plan, planned unit development, special permit or use permit shall require that the tract to be subdivided conform to the requirements of this title, except that the approval may include a provision varying or modifying the requirements of this title so as to permit the coordinated development of a subdivision and a community unit plan, planned unit development, special permit, or use permit; provided the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of the regulations preserved.

The Planning Director shall be authorized to approve final plats submitted in accordance with a community unit plan, planned unit development, special permit, or use permit notwithstanding the fact that such plats require modifications to the requirements of this title if such modifications were specifically approved at the time of approval of the community unit plan, planned unit development, special permit, or use permit.

Prepared by:

Tom Cajka
Planner

DATE: March 10, 2005

APPLICANT: Director of Planning, Marvin S. Krout

CONTACT: Tom Cajka, Planner
Lincoln/Lancaster County Planning department
555 South 10th St. Suite 213
Lincoln, NE 68508

MISCELLANEOUS NO. 05005

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

March 30, 2005

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

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 05012; CHANGE OF ZONE NO. 05018; SPECIAL PERMIT NO. 05011, VINTAGE HILLS ADDITION COMMUNITY UNIT PLAN; SPECIAL PERMIT NO. 05013; COUNTY SPECIAL PERMIT NO. 05010, TIEDEMAN ACRES COMMUNITY UNIT PLAN; COUNTY PRELIMINARY PLAT NO. 05002, TIEDEMAN ACRES, and MISCELLANEOUS NO. 05005.**

Item No. 1.1, Special Permit No. 05012; Item No. 1.4a, County Special Permit No. 05010; and Item No. 1.4b, County Preliminary Plat No. 05002, were removed from the Consent Agenda and scheduled for separate public hearing.

Taylor moved to approve the remaining Consent Agenda, seconded by Marvin and carried 9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 05011, Vintage Hills Addition Community Unit Plan, and Special Permit No. 05013, unless appealed to the City Council within 14 days.