

City Council Introduction: **Monday**, June 6, 2005
Public Hearing: **Monday**, June 13, 2005, at **1:30 p.m.**

Bill No. 05-71

FACTSHEET

TITLE: MISCELLANEOUS NO. 05006, requested by the Director of Planning, adding a new section 26.15.070 to the Lincoln Municipal Code to establish that Build-Through standards apply to all developments requiring a subdivision within the Build-Through Acreage (BTA) Overlay District.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Change of Zone No. 05019 (05-68)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 05/25/05
Administrative Action: 05/25/05

RECOMMENDATION: Approval (8-0: Sunderman, Carroll, Larson, Taylor, Krieser, Carlson, Pearson and Bills-Strand voting 'yes').

FINDINGS OF FACT:

1. This text amendment to Title 26 was heard at the same time as the associated text amendment to Title 27 before the Planning Commission.
2. This proposed amendment adds a new section to Chapter 26.15 of the Land Subdivision Ordinance to clarify that build-through standards apply to all developments requiring a subdivision within the Build-Through Acreage (BTA) Overlay District.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3.
4. On May 25, 2005, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On May 25, 2005, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 31, 2005

REVIEWED BY: _____

DATE: May 31, 2005

REFERENCE NUMBER: FS\CC\2005\MISC.05006

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 25, 2005 PLANNING COMMISSION MEETING

P.A.S.: Miscellaneous No. 05006

PROPOSAL: To amend Chapter 26.15 of the Land Subdivision Ordinance by adding Section 26.15.070.

CONCLUSION: In conformance with the Comprehensive Plan.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

COMPREHENSIVE PLAN SPECIFICATIONS:

New urban acreage development is not encouraged in the Plan Vision Tier I areas for Lincoln, except for areas already zoned, previously designated for acreages or under development, in order to provide areas for future urban growth and to minimize the impact on new acreage development. This will reduce the number of acreage homeowners who would be impacted by annexation in the future. Even though acreages can be designed with infrastructure to city standards, there is still an impact on acreage owners and their families during annexation in terms of changes in school district, the character of the surrounding area and financial implications. Impacts to the acreage homeowners and to the City of Lincoln can be avoided by locating acreages in areas outside of the Tier I areas.(F70)

“New ‘urban acreage’ developments should only be permitted in Tier II and Tier III area of Lincoln and near towns under higher design standards based upon a “buildthrough” model and without use of sanitary improvement districts. The “build through” design standards should address, along with other items deemed necessary to the study:

- a preliminary plan lot layout that accommodates first phase low density acreages with rural water and sewer systems. The preliminary plat would also show future lot splits as a second phase to permit the urban infrastructure to be built through and urbanization to occur if and when annexed by a city or town is deemed appropriate. The future lot splits will increase density in an urban form and provide income to property owners to defray the increases in city taxes, services and infrastructure costs;*
- a lot layout that meets the various elements of the Comprehensive Plan; and*
- a development agreement that runs with the land and acknowledges that the acreage development (i) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sanitary sewer, water and paving*

special assessment districts or other lawful financing methods at a later date when urbanization is appropriate. (F71)

HISTORY

- October 11, 2004 Change of Zone #04044 to amend the Lincoln Municipal Code, Chapters 27.07 and 27.65 and to add a new Chapter 27.83 to the Zoning Ordinance to adopt “Build-Through” acreage standards was adopted by City Council.
- October 11, 2004 Miscellaneous #04008 to amend the Lincoln Municipal Code, Chapters 26.11, 26.15, 26.23, and 26.27 of the Land Subdivision Ordinance to reflect “Build-Through” acreage standards was adopted by City Council

ANALYSIS:

1. This amendment adds a new section to Chapter 26.15. The new section clarifies that build-through standards apply to all developments requiring a subdivision within the BTA Build Through Acreage Overlay District.
2. Currently, build-through standards do not apply to a preliminary plat with AGR zoning.
3. Following is the proposed text:

26.15.070 Other Developments Within the BTA Overlay District.

For all developments requiring a subdivision within the BTA Build Through Acreage Overlay District, except for community unit plan developments and subdivisions splitting off the residence associated with a farm pursuant to Lincoln Municipal Code Section 27.07.080(h), a transitional preliminary plat for the conversion of the buildable lots to a higher residential density upon the extension of urban services and annexation to the City of Lincoln shall be submitted as part of the preliminary plat submission for the development. The transitional preliminary plat shall be drawn over the base of the preliminary plat or shown on accompanying pages to the preliminary plat and shall be incorporated into the preliminary plat approval process. The following information shall be shown on the transitional preliminary plat for preliminary plat buildable lots:

(a) Final lot lines that may be implemented with the extension of urban infrastructure and annexation to the City not to exceed a maximum residential density of 1.0 dwelling unit per acre when using on-site wastewater system or 3.0 dwelling units per acre when using a community wastewater system.

(b) The location and layout of any future streets not dedicated and improved as part of the preliminary plat, but needed in the future to implement the transitional preliminary plat.

c) Easement locations for future utilities and stormwater drainage. These easements shall also be included on the preliminary and final plats of the development.

(d) Building envelopes necessary to provide adequate setbacks to implement the transitional preliminary plat.

In addition to the requirements contained in Sections 26.15.015 and 26.15.020, the preliminary plat for developments in the BTA Build Through Acreage Overlay District shall contain the following information:

(1) Building envelopes shown on the preliminary plat buildable lots which meet required setbacks for the final lot lines shown under the transitional plat providing for conversion of the development to higher urban residential density; and

(2) The drainage and site grading plans shall be designed to drain and grade the lots in accordance with the transitional plat for the development. Final and rough grading of the development shall be accomplished as set forth in Section 26.11.038.

Notwithstanding the above, the Planning Director may waive the transitional preliminary plat or modify the information to be shown on the transitional preliminary plat for subdivisions proposing to create four or less buildable lots upon a finding that such waiver or modification will not obstruct eventual transition of the development to higher densities with the extension of urban services and future urban development of the surrounding areas.

Prepared by:

Tom Cajka
Planner

DATE: May 9, 2005

APPLICANT: Director of Planning, Marvin S. Krout

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MISCELLANEOUS NO. 05006

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

May 25, 2005

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 2382B, an amendment to the STONY RIDGE PLANNED UNIT DEVELOPMENT; CHANGE OF ZONE NO. 05037; CHANGE OF ZONE NO. 05019; MISCELLANEOUS NO. 05006; SPECIAL PERMIT NO. 05024; COUNTY SPECIAL PERMIT NO. 05025; COMPREHENSIVE PLAN CONFORMANCE NO. 05004; ANNEXATION NO. 05011; CHANGE OF ZONE NO. 05034; and PRELIMINARY PLAT NO. 05008, EAGLETON HEIGHTS.**

Ex Parte Communications: None.

Item No. 1.1, Change of Zone No. 2382B; Item No. 1.6, Comprehensive Plan Conformance No. 05004; Item No. 1.7a, Annexation No. 05011; Item No. 1.7b, Change of Zone No. 05034; and Item No. 1.7c, Preliminary Plat No. 05008 were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Taylor and carried 8-0: Carlson, Carroll, Krieser, Larson, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'.

Note: This is final action on Comprehensive Plan Conformance No. 05004 and Eagleton Heights Preliminary Plat No. 05008, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.