

Public Hearing: February 27, 2006

F A C T S H E E T

TITLE: Resolution for Impact Fee Appeal with Health Partners Initiative

SPONSOR:

OTHER DEPARTMENTS AFFECTED:

OPPONENTS: Public Works & Utilities

APPLICANT: Wende Baker, Executive Director for Health Partners Initiative

STAFF RECOMMENDATION: Denial

REASON FOR LEGISLATION: Impact Fee Appeal

D I S C U S S I O N

This application does not meet any of the stipulations required for reduction in an impact fee. According to Section 27.82.110 of the Impact Fee Ordinance, the City Council shall not waive fees unless there is a finding that the fee was incorrectly calculated or that there are unusual circumstances which demonstrate that application of the fee for the development would be unfair or unjust. Those findings do not exist in this matter.

Lincoln Municipal Code § 27.82.080 (f) the City finds that impact fees cannot be collected for governmental projects for the construction of which the agency in question has the power to condemn or appropriate lands by eminent domain. Health Partners Initiative (HPI) is a private organization. HPI is renting 1036 E Street, Lincoln, Nebraska from residential property owner/manager, John Bussey of Capital Rentals. The landlord, John Bussey, is making physical improvements to the property to meet City Code requirements per the Change of Occupancy Permit.

The Arterial Street Impact Fees were correctly calculated based upon the Impact Fee Schedule. Appellant has filed a Building Permit, B0504413, and Impact Fee Application, IF052133, for a change of occupancy from Single Family Dwelling to a General Office at 1036 E Street. Lincoln Municipal Code § 27.82.050(4) provides that if a person is applying for a permit to allow a redevelopment, or modification of an existing development, the impact fee shall be based on the net increase in the fee for the new use as compared to the previous use, provided that the previous use was in operation within 15 years prior to the date of application for the redevelopment. City records indicate that the address, 1036 E Street, was a single family dwelling, built in the year 1900.

Lincoln Municipal Code § 27.82.110 (i) Appeals must be filed with the City Clerk within ten days after the determination for which the appeal is being filed. Appellant's "Notice of Appeal" was filed 13 days after the date of determination.

POLICY OR PROGRAM CHANGE: No

FACT SHEET PREPARED BY: Michaela Hansen, Asst. Public Works/Utilities Business Manager

REVIEWED BY: Director of Public Works/Utilities