

City Council Introduction: **Monday**, September 10, 2007
Public Hearing: **Monday**, September 17, 2007, at **1:30 p.m.**

Bill No. 07-141

FACTSHEET

TITLE: CHANGE OF ZONE NO. 07043, requested by the Director of Planning, amending Chapter 27.67 of the Lincoln Municipal Code relating to parking by amending Section 27.67.020, the Parking Matrix, to add a note providing that if the number of spaces required by the building ratio is greater than required by the employee ratio, an additional parking area shall be reserved to accommodate the additional spacing; amending Section 27.67.030 to delete the restriction in Section 27.67.030 that parking lots, parking areas, and driving aisles may not be located in the front six feet of the front yard and deleting the requirement that said front six feet be landscaped; and repealing Sections 27.67.020 and 27.67.030 of the Lincoln Municipal Code as hitherto existing.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/15/07
Administrative Action: 08/15/07

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

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUEST: Miscellaneous No. 06007 and Miscellaneous No. 07006 (07R-169)

FINDINGS OF FACT:

1. This proposed text amendment to the zoning ordinance was heard by the Planning Commission at the same time as associated amendments to the City Design Standards (07R-169).
2. This proposed text amendment to Title 27 would:
 - A.. Delete the requirement for a 6' landscape strip in the B-1, B-3, H-1, H-2 and H-3 zoning districts. This requirement is being moved to the City Design Standards for parking lots (07R-169). By moving this requirement to the Design Standards, it will allow the Planning Director to make adjustments or waive the requirement in unusual circumstances. Currently, the only way to amend this requirement is through the Board of Zoning Appeals.
 - B. Amend the Parking Matrix to add a note that was inadvertently omitted when the Parking Matrix was last amended by Change of Zone No. 07007.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.2, concluding that this proposed text amendment will help in the City's ongoing effort to streamline the approval process. The staff presentation is found on p.4.
4. There was no testimony in opposition.
5. On August 15, 2007, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Krieser absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 31, 2007

REVIEWED BY: _____

DATE: August 31, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.07043+ text

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for AUGUST 15, 2007 PLANNING COMMISSION MEETING

- PROJECT #:** Change of Zone No. 07043
- PROPOSAL:** This is a request to amend Section 27.67.030(a)(1) and Figure 27.67.020 (parking matrix) of the City Zoning Ordinance.
- CONCLUSION:** The proposed text change to 27.67.030(a)(1) will help in the City's ongoing effort to streamline the approval process.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

ASSOCIATED APPLICATIONS:

Miscellaneous #07006

HISTORY:

- March 26, 2007 Change of Zone #07007 to amend the parking matrix was approved by the City Council.
- March 20, 2006 Change of Zone #04066 to amend 27.67.030 was approved by the City Council.

ANALYSIS

1. This request is to amend LMC 27.67.030(a)(1) by deleting the requirement for a six feet landscape strip in the B-1, B-3, H-1, H-2 and H-3 zoning districts. This requirement is being added to the City Design Standards for parking lots.
2. By moving the requirement for a six feet landscape strip from the Zoning Ordinance to the City Design Standards the Planning Director will be able to make adjustments or waive the requirement in unusual circumstances. Currently, the only way to amend this requirement is through the Board of Zoning Appeals. This change will streamline the process for requesting a modification or waiver.
3. The requested change to the parking matrix is to add a note that was inadvertently omitted with the last amendment, Change of Zone #07007.
4. The proposed changes are attached.

Prepared by:

Tom Cajka
Planner

DATE: August 1, 2007

APPLICANT: Marvin Krout, Director of Planning
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**CHANGE OF ZONE NO. 07043,
MISCELLANEOUS NO. 06007 AND MISCELLANEOUS NO. 07006**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 15, 2007

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

Ex Parte Communications: None.

Staff recommendation: Approval.

Staff presentation: **Tom Cajka of Planning staff** presented this proposal which basically moves some provisions out of the Zoning Ordinance and places them in the Design Standards, such as the 6' landscape standard to allow adjustments without going to the Board of Zoning Appeals. The amendment to add the note to the parking matrix was inadvertently omitted when the parking matrix was recently amended.

The amendments to the Design Standards have to do with street trees and planting street trees, deleting the provisions having to do with how you plant the tree, how deep the hole, etc. This is more of a Parks issue where they have their own standards and the thought is that those standards should be able to be amended without going through a text change. It should be left to the horticulturist. There is also some language added about where a street tree is to be located.

With regard to the amendment to Section 3.5 of the Design Standards, Cajka advised that a major change to landscaping and screening requirements was done over a year ago and since then, the staff has found that some of the language needed to be clarified. These amendments are an attempt to make some of those clarifications, i.e. what needs to be included in a landscape plan, etc.

The amendments to Section 7.1 add the provisions being removed from the Zoning Ordinance by Change of Zone No. 07043. It does not change the requirements, but merely moves them into the Design Standards. Language is also added to clarify how to do screening along an alley.

Esseks inquired whether there has been any type of advisory committee that has considered these issues. Cajka stated that the staff did send the proposed changes to the development community. **Lynn Johnson, Director of Parks & Recreation**, advised that there is a Community Forestry Advisory Board which provides guidance on street trees. These amendments essentially make that process administrative, but Parks does use that advisory board in the review process. Johnson also pointed out that different street tree species are being added almost annually. There is a beetle that has devastated the ash population in other areas of the country and Johnson is hoping to address that in Nebraska by providing for a mix in the species on any given street. The staff wants to do things proactively and these amendments will allow Parks to make those changes more quickly and administratively.

There was no testimony in opposition.

CHANGE OF ZONE NO. 07043

ACTION BY PLANNING COMMISSION:

August 15, 2007

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

MISCELLANEOUS NO. 06007 AND MISCELLANEOUS NO. 07006

ACTION BY PLANNING COMMISSION:

August 15, 2007

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