

FACTSHEET

TITLE: COMPREHENSIVE PLAN AMENDMENT NO. 08011, by the Director of Planning, at the request of Mark Hunzeker on behalf of the Home Builders Association of Lincoln, pursuant to the 2008 Comprehensive Plan Annual Review, to amend various sections of the 2030 Lincoln-Lancaster County Comprehensive Plan regarding the City's policies on annexation and provision of infrastructure concurrent with development.

STAFF RECOMMENDATION: Approval, as revised and negotiated between the applicant and staff.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Special Public Hearing: 05/14/08
Administrative Action: 05/14/08

RECOMMENDATION: Approval, as revised and negotiated between the applicant and staff (8-0: Esseks, Sunderman, Taylor, Gaylor Baird, Francis, Larson, Cornelius and Carroll voting 'yes').

FINDINGS:

1. This is a request by Mark Hunzeker on behalf of the Home Builders Association of Lincoln to amend the text of various sections of the 2030 Comprehensive Plan regarding the City's policies on annexation and provision of infrastructure concurrent with development. The two main purposes of the proposal are: a) to encourage the prompt annexation of contiguous land in Priority A, where services are in place or planned, to support the growth and health of the community; and b) to encourage proportionate development of infrastructure and phasing of improvements, based on the level of development, which also reflects the City's current practice. The applicant states that the proposed amendments emphasize the importance of an aggressive annexation policy, in conjunction with other incentives, as a means of encouraging growth and development in the Tier I, Priority A area.
2. The staff recommendation to approve revised language as negotiated with the applicant is based upon the "Analysis" and "Summary" as set forth on p.5-7, concluding that the proposed amendments to the Land Use Plan and Commercial section are in conformance with the goals of the Comprehensive Plan.
3. The specific proposed amendments are found on p.8-12.
4. The minutes of the public hearing before the Planning Commission are found on p.13-14.
5. There was no testimony in opposition.
6. On May 14, 2008, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 21, 2008

REVIEWED BY: _____

DATE: May 21, 2008

REFERENCE NUMBER: FS\CC\2008\CPA.08011

LINCOLN /LANCASTER COUNTY PLANNING STAFF REPORT
for May 14, 2008 Planning Commission Meeting

- PROJECT #:** Comprehensive Plan Amendment #08011
- PROPOSAL:** Amend the 2030 Lincoln/ Lancaster County Comprehensive Plan to amend various sections regarding the City's policies on annexation and provision of infrastructure concurrent with development.
- CONCLUSION:** The amendments to the Land Use Plan and Commercial section are in conformance with the goals of the 2030 Lincoln-Lancaster County Comprehensive Plan

<u>RECOMMENDATION:</u>	Approval of the proposed amendment
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GENERAL INFORMATION:

COMPREHENSIVE PLAN SPECIFICATIONS: The 2030 Comprehensive Plan states the following about annexation and concurrency of improvements with development:

PRIORITY AREA PLAN FOR TIER I (page 24)

Setting Priorities

The top priority for infrastructure improvements is the existing city and areas that are currently under development. In order to provide for the orderly future growth of the city, additional land is identified in Tier I as the next area for improvement. However, the community does not have the financial resources, nor is it necessary, to provide urban services to all of the Tier I area within the next few years. So within Tier I, the community needs to prioritize areas for infrastructure improvements.

Priority A identifies a future service area of approximately 20 square miles to serve with utilities in the next six years. Developer interest exists in land in various areas which would require providing services to over 35 square miles – if financing were available. Based on population and growth projections, there is not a need for this much land in the near term. The City has developed and made public financial water and wastewater utility plans for operations and growth and the 2006 CIP based on a smaller Priority A area. User fee increases and/or impact fees as projected for water and wastewater will require additional increases, or additional private financing if projects are added or staged earlier than previously identified.

Currently, there are not adequate funds to build needed road improvements within the city limits, much less serve Priority A or other growth areas. If the City is committed to building improvements concurrent with development, then significant additional road funds will be needed, in addition to the proposed rate increases for water and wastewater.

While there are financing limitations, the economic development area north of Interstate 80, east of N. 40th Street, that drains into Little Salt Creek, is designated as Priority A and will be provided with infrastructure through Tax Increment Financing. However, an area along the South Beltway, which naturally drains to the south of the South Beltway, should remain Priority B or C until a sanitary sewer study concludes how this larger area can best be served and financing is addressed.

Top Priority Area

The top priority areas are those which are generally within the city limits at the beginning of the planning period. There are still significant infrastructure needs within the existing city and areas currently under development. Some larger projects, such as Antelope Valley, will be ongoing throughout the planning period and will require significant infrastructure resources.

Priority A of Tier I

Areas designated for near term development are generally contiguous to existing development and should be provided first with basic infrastructure within 6 years of the adoption of the Plan. Some of the infrastructure required for development may already be in place. This area includes some land already annexed, with City commitments to fund infrastructure improvements, but the land is still undeveloped and without significant infrastructure in place yet. Some infrastructure improvements may be done in the near term while others, such as road improvements that are generally more costly, may take longer to complete.

Principles for Priority Areas: (pages 25 -26)

- ◆ *The top priority for the City's Capital Improvement Program (CIP) is to maintain existing infrastructure, provide for new neighborhood improvements and to complete needed improvements for areas already under development.*
- ◆ *Infrastructure funding to serve the growing community relies upon adequate revenue from all sources, including gas tax allocation, wheel tax, impact fees, and water and wastewater fees.*
- ◆ *Infrastructure improvements should be made concurrent with development.*
- ◆ *In order to implement the Plan Vision, infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area.*
- ◆ *Funds for improvements in new major drainage basins to the southwest and to the east should provide the opportunity for development to begin in these areas within the next 12 years.*
- ◆ *Development in the southwest should begin in the Priority A area in the general vicinity of the intersection of Warlick Blvd. and Highway 77. Further planning should proceed to identify initial staging of infrastructure and development in this area.*
- ◆ *The community should only approve development proposals that can be adequately served by all public facilities.*
- ◆ *Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B areas. ...*

GUIDING PRINCIPLES FOR FINANCING URBAN INFRASTRUCTURE (page 147)

Minimize Impact on Those Who Are Not Developing Land: *As much as possible, property owners should only be assessed or pay the improvement costs at the time they seek approval of development proposals or building permits. Financing mechanisms should not impact property owners in an area under development who don't want to develop their land at that time. However, property owners are not encouraged to hold their property out of development indefinitely.*

It may be necessary to annex property and assess improvements costs to property in the Future Service Limit, but not yet developing, in order to develop the adjacent land. The community should grow in an orderly compact fashion and therefore infrastructure improvements should be made in a timely manner. Property owners need to be educated about the growth and infrastructure plans to reduce the elements of surprise and anger and to foster more informed personal planning decisions.

CONCURRENCY POLICY (page 153)

Public infrastructure — including transportation facilities, water, sewer, parks, schools, and libraries — is essential to the health, safety, and welfare of the community. As the community grows, it is desirable that these systems and facilities be developed concurrently — that is, at the same time — with that growth.

If growth occurs without the development of adequate public infrastructure, or the public infrastructure lags behind the growth of the community, the quality of life in the whole community will be diminished. Facilities may become overcrowded or overused. In the worst case, essential public services might not be available, thereby threatening the health, safety and welfare of the community.

Conversely, infrastructure should not be built or developed if it is not needed. Public resources are scarce and should be conserved and used efficiently. Development of infrastructure beyond the needs of the community is a waste of resources and is not beneficial to the community as a whole.

The key to a successful community is the concurrent development of the infrastructure with the development of the community — a balance between the need for infrastructure and the need to conserve resources.

ANNEXATION POLICY (page 154)

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services shall coincide with the jurisdictional boundaries of the City — in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary water services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexation shall occur before any property is provided with water, sanitary sewer, or other potential City services.

Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.

Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above. Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

Each town in Lancaster County will have their own procedures for annexation.

ANALYSIS:

1. This proposal to amend the Comprehensive Plan has two main purposes:
 - a. To encourage the prompt annexation of contiguous land in Priority A, where services are in place or planned, to support the growth and health of the community
 - b. To encourage proportionate development of infrastructure and phasing of improvements, based on the level of development – which also reflects the City’s current practice

Annexation

2. From 1994 to 1999, the City on conducted a nearly annual assessment of land that was contiguous to the city and met the City’s policies for annexation. These studies proposed annexation of land that was generally urban in character, could be provide with services and most often already had urban zoning (H, I, B or R zoning districts). Several acreage subdivisions and some existing commercial uses were annexed as a result of the studies. From 1994 to the end of 1999 the City annexed approximately 6,436 acres or over 10 square miles. The majority of this annexation was due to new development proposals, but a substantial portion was due to the various annexation studies.
3. Since 2000, the City had not conducted an annexation study and had instead only annexed land based on developer or land owner requests. This has lead to the city limits nearly surrounding a few neighborhoods and properties on all sides. This can often lead to confusion in regards to providing emergency services, deliveries and maintenance of roads. It is also has some inequalities, where adjacent properties that are similar have different tax rates based on whether they are inside the city limits or not.
4. Each year the City makes a substantial investment in new water and sanitary sewer lines throughout the community. If numerous properties determined to wait for development and are “rewarded” by not being annexed, the City’s infrastructure costs increase because the City will have to extend water and sewer lines over a greater area to serve the same level of development. This proposal is not advocating forcing property owners to sell. The proposal states (see text for Comp Plan page 148) that the City should promptly annex properties that meet the City’s annexation policies. This will help make sure that properties are treated equally in terms of taxation or holding costs. Any owner will still have the right to determine when or if they sell their land for development.
5. Prior to the this application being submitted in February 2008, the City began a new Annexation Study in November 2007. The study should be complete and ready for review by the public and City Council in May or June 2008.

Concurrency Policy

6. The City's policy generally encourages infrastructure to be provided at the same time as development. The goal is to provide items such as water, sewer, streets, parks and schools at the same time an area develops. In the past, the community has experienced problems when streets are widened long after development has begun.

7. The proposal is to reflect the current practice where the City rarely develops all of the services and infrastructure in advance to serve a growth area. As stated in the proposed amendment:

"Public infrastructure — including transportation facilities, water, sewer, parks, schools, and libraries – is essential to the health, safety, and welfare of the community. In new growth areas, the most essential public infrastructure (such as electricity, water, sewer, pedestrian facilities and roads) should be made concurrently – that is, at the same time – with that growth. Other public infrastructure in new growth areas should be provided in proportion to initial need, with later improvements added as growth proceeds. However, utilities must be sized initially to serve long term needs. Developing public infrastructure in this manner will protect the public health, safety and welfare of the community while efficiently using capital improvement funds."

8. The proposal is to state that infrastructure should be proportionate to development. This idea is best represented in arterial street development. When there is little initial development, a new four lane arterial street, with dual left turn lanes is not necessary to serve the minor traffic generated. Many would view this as a unwise use of city resources, particularly when street funds are limited. Instead, the City has focused on obtaining the proper right-of-way for a four lane road in advance. In addition, the Rural to Urban Transitional Streets (RUTS) program further this idea of phasing improvements by having the first two paved lanes offset to one side so that these lanes can remain open once the third and fourth through lanes are built.

SUMMARY:

The proposed amendments are meant to clarify several aspects of the City's policies in regards to annexation and concurrency. The proposed amendment is a result of discussion between the applicant and staff. The annexation policy can best be summarized in the new language:

"To demonstrate the City's commitment to the urbanization of land in Tier I Priority A, the City should promptly annex land in Priority A which is contiguous to the City and generally urban in character, as well as land which is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. Annually, the City should review for potential annexation all property in Priority A in which basic infrastructure is generally available or planned for in the near term."

This continues the tradition of annexing land that is contiguous or engulfed by the city limits. It also clarifies that the Priority A designation of Growth Tier I, should be the focus of annual reviews of land for annexation.

The concurrency policy revision can also be summed up in the following revised text:

“The key to a successful community is the concurrent development of -infrastructure proportionate to the development and need of the community- — a balance between the need for infrastructure and the need to conserve resources.”

This reflects the current practice which provides the initial urban services to a new development area, in a manner that is financially prudent, while still providing the necessary public safety and infrastructure improvements.

PROPOSED AMENDMENTS:

Amend the 2030 Lincoln-Lancaster County Comprehensive Plan as follows:

1. Amend pages 21, 24 to 26, 148, 153 and 154 as shown on the following pages:

Prepared by:

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Principal Planner
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April 21, 2008

APPLICANT:

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at request of

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AMENDMENT 1A

Revise the legend on the “Urban Growth Tiers with Priority Areas” map on page 21 as follows:

PRIORITY A -

“Identifies a future service area of approximately 20 square miles to serve with utilities in the next six years. The City’s ~~has developed and made public financial~~ water and wastewater utility plans for operations and growth ~~and the 2006 CIP are~~ based on a smaller serving the Priority A area. User fee increases and/or impact fees as projected for water and wastewater will require additional increases, or additional private financing if projects are added or staged earlier than previously identified.

~~Currently, there are not adequate funds to build needed road improvements within the city limits, much less serve Priority A or other growth areas. If t~~The City is committed to building needed improvements concurrent with development, then as well as maintaining the existing road network. ~~However, this will require significant additional road funds will be needed, in addition to the proposed rate increases for water and wastewater.”~~

Amendment 1B

Revise the **PRIORITY AREA PLAN FOR TIER I** on page 24 as follows:

“Setting Priorities

The top priority for infrastructure improvements is the existing city and areas that are currently under development. In order to provide for the orderly future growth of the city, additional land is identified in Tier I as the next area for improvement. ~~However, the community does not have the financial resources, nor is it necessary, to provide urban services to all of the Tier I area within the next few years. So within Tier I, the community needs to prioritize areas for infrastructure improvements.~~

Priority A identifies a future service area of approximately 20 square miles to serve with utilities in the next six years. Developer interest exists in land in various areas which would require providing services to over 35 square miles ~~—if financing were available. Based. However, based~~ on population and growth projections, ~~there is not a need for~~ development may begin on all of this much land in the near term. The City’s ~~has developed and made public financial~~ water and wastewater utility plans for operations and growth ~~and the 2006 CIP are~~ based on a smaller serving the Priority A area. User fee increases and/or impact fees as projected for water and wastewater will require additional increases, or additional private financing if projects are added or staged earlier than previously identified.

~~Currently, there are not adequate funds to build needed road improvements within the city limits, much less serve Priority A or other growth areas. If t~~The City is committed to building needed improvements concurrent with development, then as well as maintaining the existing road network. ~~However, this will require significant additional road funds will be needed, in addition to the proposed rate increases for water and wastewater.~~

While there are financing limitations, the economic development area north of Interstate 80, east of N. 40th Street, that drains into Little Salt Creek, is designated as Priority A and will be provided with infrastructure through Tax Increment Financing. However, an area along the South Beltway, which naturally drains to the south of the South Beltway, should remain Priority B or C until a sanitary sewer study concludes how this larger area can best be served and financing is addressed.

Top Priority Area

The top priority areas are those which are generally within the city limits at the beginning of the planning period. There are still significant infrastructure needs within the existing city and areas currently under development. Some larger projects, such as Antelope Valley, will be ongoing throughout the planning period and will require significant infrastructure resources.

Priority A of Tier I

Areas designated for near term development are generally contiguous to existing development and should be provided first with basic infrastructure within ~~the next 6 years of the adoption of the Plan.~~ Some of the infrastructure required for development may already be in place. This area includes some land already annexed, with City commitments to fund infrastructure improvements, ~~but the land is still undeveloped and without significant infrastructure in place yet.~~ In conjunction with annexation, the city should use other available zoning tools, such as residential density and floor area bonuses, to encourage growth and development in these areas. Some infrastructure improvements may be done in the near term while others, such as road improvements that are generally more costly, may take longer to complete. “

Amendment IC

Revise the ***Principles for Priority Areas:*** on pages 25 and 26 as follows:

- ◆ “The top priority for the City’s Capital Improvement Program (CIP) is to maintain existing infrastructure, provide for new neighborhood improvements and to complete needed improvements for areas already under development.
- ◆ Infrastructure funding to serve the growing community relies upon adequate revenue from all sources, including gas tax allocation, wheel tax, impact fees, and water and wastewater fees.
- ◆ Infrastructure Initial urban improvements, such as electricity, water, sewer, pedestrian facilities and roads, should be made concurrent with development with public safety services provided from existing facilities and other improvements phased in over time as needs increase.
- ◆ In order to implement the Plan Vision, infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area.
- ◆ Funds for improvements in new major drainage basins to the southwest and to the east should provide the opportunity for development to begin in these areas within the next 12 years.

- ◆ Development in the southwest should begin in the Priority A area in the general vicinity of the intersection of Warlick Blvd. and Highway 77. Further planning should proceed to identify initial staging of infrastructure and development in this area.
- ◆ The community should only approve development proposals that can be adequately served by all the initial urban public facilities such as electricity, water, sewer, pedestrian facilities and roads and by all urban improvements and services in the long term. Initially, public safety services and schools may provided to an area by facilities that are more distant.
- ◆ Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B areas.”

Amendment ID

Revise the **GUIDING PRINCIPLES FOR FINANCING URBAN INFRASTRUCTURE** on page 148 as follows:

“Minimize Impact on Those Who Are Not Developing Land: As much as possible, property owners should only be assessed or pay the improvement costs at the time they seek approval of development proposals or building permits. Financing mechanisms should not impact be sensitive to property owners in an area under development who don’t want to develop their land at that time. ~~However, property owners are not encouraged~~ but should not encourage them to hold their property out of development indefinitely.

It may be necessary to annex property and assess improvements costs to property in the Future Service Limit, but not yet developing, in order to develop the adjacent land. The community should grow in an orderly compact fashion and therefore initial urban, infrastructure improvements should be made in a proportionate and timely manner. Property owners need to be educated about the growth and infrastructure plans to reduce the elements of surprise and anger and to foster more informed personal planning decisions.”

Amendment IE

Revise the **CONCURRENCY POLICY** on page 153 as follows:

“Public infrastructure — including transportation facilities, water, sewer, parks, schools, and libraries – is essential to the health, safety, and welfare of the community. ~~As the community grows, it is desirable that these systems and facilities be developed~~ In new growth areas, the most essential public infrastructure (such as electricity, water, sewer, pedestrian facilities and roads) should be made concurrently – that is, at the same time – with that growth.

~~If growth occurs without the development of adequate public infrastructure, or the~~ Other public infrastructure lags behind the in new growth of the community, the quality of life in the whole community will be diminished. Facilities may become overcrowded or overused. In the worst case, essential public services might not be available, thereby threatening the areas should be provided in proportion to initial need, with later improvements added as growth proceeds. However, utilities must be sized initially to serve long term needs. Developing public infrastructure in this manner will

protect the public health, safety and welfare of the community while efficiently using capital improvement funds.

Conversely, infrastructure should not be built or developed if it is not needed. Public resources are scarce and should be conserved and used efficiently. Development of infrastructure beyond the needs of the community is a waste of resources and is not beneficial to the community as a whole. Thus, some improvements, such as park land, must be obtained early in the process, but may not be fully improved until more development occurs. Land for other services such as fire and police stations or schools may also be obtained. This may also apply to road improvements, which in early stages can be adequately served by two lane, offset, paved streets, after obtaining the needed future urban right-of-way, with additional lanes planned for but not developed till later when traffic demand warrants.

The key to a successful community is the concurrent development of ~~the infrastructure with,~~ proportionate to the development and need of the community — a balance between the need for infrastructure and the need to conserve resources.”

Amendment IF

Revise the **ANNEXATION POLICY** on page 154 as follows:

“Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan’s Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services shall coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary water services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexation shall occur before any property is provided with water, sanitary sewer, or other potential City services.

To demonstrate the City’s commitment to the urbanization of land in Tier I Priority A, the City should promptly annex land in Priority A which is contiguous to the City and generally urban in character, as well as land which is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; ~~land which is contiguous to the City and generally urban in character may be annexed;~~ and land which is engulfed by. Annually, the City should be annexed review for potential annexation all property in Priority A in which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density “acreage” areas are proposed for annexation due to the

City's policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above. Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

Each town in Lancaster County will have their own procedures for annexation.”

COMPREHENSIVE PLAN AMENDMENT NO. 08011

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 14, 2008

Members present: Francis, Sunderman, Taylor, Esseks, Larson, Cornelius, Gaylor Baird and Carroll.

Ex Parte Communications: None.

Staff presentation: **Steve Henrichsen of Planning staff** explained that this is a series of text amendments to the Plan that would result in looking more promptly at annexing areas that are in Priority A that are areas that may not be developing on their own – in other words, areas already zoned residential and developed with acreage development and areas that the city can provide with city services.

It is still the goal of the Comprehensive Plan to attempt to provide all of the needed services to an area at or before the development proceeds. An example would be Southwest High School with the high school open and later the road had to be closed to change from two to four-lane. This amendment will more accurately reflect what the city has done in terms of urban development where the improvements are phased in over time. The basic infrastructure improvements, i.e. water, sewer, paved road system, would be in place day one, with a lot of the other improvements phased over time.

This amendment is being proposed by Mark Hunzeker on behalf of the Home Builders Association, and staff is recommending approval after discussions and negotiations.

Esseks stated that he is sympathetic to the principle but wondered whether the department has thought about the outer limits such as the nearest advance life support services. Is there some outer limit beyond which the city will not go? Henrichsen pointed out that this general policy does not specifically state those limits. The community would have to consider that as the developments proceed. Distance doesn't necessarily always equate to time.

Cornelius wondered whether this change in the Comprehensive Plan might compel the Planning Commission to perhaps approve development that might not be adequately served, and how would the Planning Commission know? Henrichsen pointed out that everything is still routed to all the other departments for comment. The Commission would hear from the Fire Department if it were too far away.

Proponents

1. Mark Hunzeker appeared on behalf of the **Home Builders Association of Lincoln**. The Home Builders Association proposed a series of amendments for the purpose of expressing a somewhat more aggressive annexation policy for the city and to tone down just a little bit some of the concurrence language as it relates to infrastructure. We think that the aggressive annexation policy is important so that the city and our current residents are not effectively subsidizing people land banking at the edge of the city and driving up costs of land for future growth. By adding some land already in the plan as Tier I, Priority A, and bringing some of that land into the city limits, we will

encourage people to place their property either in the development pipeline or up for sale for that purpose rather than holding on and hoping to monopolize the end of the pipe.

Secondly, we had some language which latched onto the term “concurrency” in a way that we thought has been interpreted too far in the direction of requiring that all elements of infrastructure that could ever conceivably be needed or would be required to be in place prior to approval of the development. We don’t think that has ever been the case or a prudent policy. Cities grow incrementally. You don’t build the roads, a new school, etc., to serve each new section of land. You don’t go out and build a new fire station to serve each new parcel. It is incremental and a process that grows along with the city. The Comprehensive Plan is a very general document and it is easy to overstate the important of an amendment like this. The Planning Commission decisions are guided by and not bound by some very rigid standard of conformance. The word “general” is used 13 times in describing what sorts of things should be included in the Comprehensive Plan and the Supreme Court has interpreted the use of the Plan as being a guide, not a rigid document. This proposed language fits with the policy that the staff and administration have been attempting to pursue with respect to annexation.

Hunzeker concurred that he has met with staff to discuss the specific language and the proposed language represents their agreement.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

May 14, 2008

Larson moved approval, seconded by Francis and carried 8-0: Francis, Sunderman, Taylor, Esseks, Larson, Cornelius, Gaylor Baird and Carroll voting ‘yes’. This is a recommendation to the City Council.



LINCOLN/LANCASTER COUNTY

2008

COMPREHENSIVE PLAN AMENDMENT APPLICATION

The use of this application is appropriate when a change to the adopted Lincoln/Lancaster County Comprehensive Plan is desired. The required questionnaire on the reverse side of this application must be completed as well. Applications for the 2008 Annual Review are due to the Planning Department no later than 4:30 p.m. on February 1, 2008.

PART I

Please print or type.

PLANNING DEPARTMENT USE ONLY: CPA# _____ DATE _____ FEE PAID \$ _____

Date: 2/1/2008

Applicant: Mark Hunzeker

Mailing Address: 1248 "D" Street, Suite 600

City: Lincoln State: NE Zip: 68508

Phone: (402) 475-1075

Contact (if not applicant): (same as above)

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: () _____

Application Fee of \$250.00 to the City of Lincoln.

If applicable, name of general area/location/site which would be affected by this proposed change (Attach additional sheets if necessary.).

The area identified as Tier I Priority A on page 21 of the Comprehensive Plan

Applicant Signature: Mark Hunzeker

Date: 2/1/08

PART II.
REQUIRED QUESTIONNAIRE:
Comprehensive Plan Amendment Application

- 1. Provide a detailed description and explanation of the proposed amendment. Include the Element (Land Use, Transportation, etc.) to be amended. (Please attach map and legal description if proposal is for specific tract of land.)**

The proposed amendments modify the annexation and concurrency policies in the current version of the Comprehensive Plan. (See attached amendments). In particular, the proposed amendments emphasizes the importance of an aggressive annexation policy, in conjunction with other incentives, as a means of encouraging growth and development in the Tier I Priority A area. (See attached map). It also stresses that public infrastructure should be proportionate with community growth, and that growth should not be constrained by a desire for optimal public infrastructure developed in conjunction with growth.

- 2. Describe how the proposal is currently addressed in the Comprehensive Plan. If the issue is not adequately addressed, describe the need for it.**

The proposal is not currently addressed in the Comprehensive plan. The proposal is needed because it reflects a more effective approach to achieving the goals set forth in the Comprehensive Plan, such as growth and development. Moreover, the proposal, if adopted, will demonstrate the City of Lincoln's commitment to achieving such goals.

- 3. What do you anticipate will be the impacts (fiscal/CIP, environmental, phasing, etc.) caused by the proposal, including the geographic area affected and the issues presented? Why will the proposed change result in a net benefit to the community?**

The proposal will have no detrimental impact on the environmental or phasing matters. The proposal will have a positive impact on fiscal and CIP matters, as it will promote a policy of proportionate infrastructure in conjunction with growth. This will result in residential, commercial and industrial growth because growth will not be constrained by a desire for optimal infrastructure. Consequently, there will be adequate funds for immediate infrastructure needs, and a healthy tax base to fund improvements as those needs increase. More importantly, it will enable the community to realize the goals set forth in the Comprehensive Plan, such as growth and development.

- 4. How would the proposed change comply with the community vision statements, goals, principles, and policies of the Comprehensive Plan? Include any specific page numbers from the Plan, research, or reasoning that supports the proposed amendment.**

The proposed changes comply with the community vision statements, goals, principles, and policies of the Comprehensive Plan in the following manner:

- Promote a growing, changing community (Comp. Plan, p. 1)
- Provide a means of reaching the long term growth potential of the City of Lincoln and Lancaster County (Comp. Plan, p. 1)
- Promote residential, commercial, and industrial development in the City of Lincoln, and ensures that there are convenient jobs and a healthy tax base to support the public safety, infrastructure and services within the communities (Comp. Plan, p. 6-7)
- Provide for growth in multiple directions around the existing city (Comp. Plan, p. 9)
- Promote residential development, economic development and employment opportunities throughout the City (Comp. Plan, p. 10)
- Encourage the use of incentives to promote more efficient residential and commercial development by making greater utilization of the community's infrastructure (Comp. Plan, p. 72)
- Provide for contiguous growth of the City (Comp. Plan, p. 75)

5. Is there public support for this proposed text amendment (i.e. have you conducted community meetings, etc.)?

No meetings have been conducted.