

FACTSHEET

TITLE: MISCELLANEOUS NO. 09003, requested by the Director of Planning, to amend Title 26 of the Lincoln Municipal Code relating to the Land Subdivision Ordinance.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/25/09
Administrative Action: 03/25/09

RECOMMENDATION: Approval (9-0: Gaylor Baird, Carroll, Cornelius, Esseks, Larson, Partington, Francis, Sunderman and Taylor voting 'yes').

FINDINGS OF FACT:

1. This is a request by the Director of Planning to amend Title 26 of the Lincoln Municipal Code to add a definition for "access road"; to modify the procedures to appeal from final action of the Planning Director; to modify the requirement that every lot shall front upon and have access to a public street for lots which front upon a major street; and to modify the requirements for granting a waiver of the land subdivision requirements.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.2-3, concluding that the proposed amendments will help eliminate access points to major streets, decrease the time to file a final plat at Register of Deeds and decrease the time to process waiver requests. The staff presentation is found on p.4.
3. The record consists of one letter in support (p.6).
4. There was no testimony in opposition.
5. On March 25, 2009, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: March 30, 2009

REVIEWED BY: _____

DATE: March 30, 2009

REFERENCE NUMBER: FS\CC\2009\MISC09003 text

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for MARCH 25, 2009 PLANNING COMMISSION MEETING

PROJECT #: Miscellaneous No.09003

PROPOSAL:

Amend the subdivision ordinance by:

1. adding a definition for "access road";
2. establishing when an access road may be required for lots fronting upon a major street;
3. revising the appeal on final plats;
4. revising the waiver process.

CONCLUSION: The proposed amendments will help eliminate access points to major streets, decrease the time to file a final plat at Register of Deeds and decrease the time to process waivers.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Sections 26.07.013, 26.11.060, 26.23.140 and 26.31.010 of the Land Subdivision ordinance.

COMPREHENSIVE PLAN SPECIFICATIONS:

Managing and controlling access to arterial streets is very important. (p104)

An access management document should be put together to educate and show the value and need for this program. This should help in supporting applicable standards for driveways and access points. (p.121)

ANALYSIS:

1. This application combines three separate changes to the Subdivision Ordinance. The first change is to add a definition for access road and establish when an access road may be required in an effort to consolidate access points onto major streets. The Comprehensive Plan and the City of Lincoln Design Standards encourage consolidation of access points to major streets to obtain maximum spacing of driveways.
2. Currently, the subdivision ordinance requires that each lot have its own access to a street. Based on this requirement, joint use driveways are not allowed unless a portion of the driveway is on each lot or the standard is waived by the Planning Commission. The proposed text would allow joint use driveways for lots that front on a major street without a waiver. A major street is a street described in the Comprehensive Plan as an arterial.

3. The width of the access road would be determined on an individual basis based on the amount of projected traffic using the access road. The minimum width would be 23 feet which is the minimum width for a parking lot driving aisle.
4. The access road could be either a private roadway, public street or an access easement on the lot providing access via a driveway. (See attached exhibit)
5. The second change is to the appeal process on final plats. Currently any person can appeal the action of the Planning Director on final plats by filing a notice of appeal within 14 days. This means that a final plat cannot be filed at Register of Deeds for 14 days after approval by the Planning Director. This has created problems in the past when someone is trying to close on a property. The proposed text change would eliminate the need to wait the 14 days to file the plat. The proposed text change would still allow the applicant to appeal any action of the Planning Director.
6. The last proposed change is to the waiver process. Today if the Planning Director recommends denial of a waiver, the Planning Commission holds a public hearing and makes a recommendation to the City Council. The proposed change would allow Planning Commission to have final action on the requested waiver. Any aggrieved person may appeal the action of the Planning Commission to City Council.

Prepared by:

Tom Cajka
Planner

DATE: March 9, 2009

APPLICANT: Marvin Krout, Planning Director
Lincoln-Lancaster County Planning Department

CONTACT: Tom Cajka, Planner
Lincoln-Lancaster County Planning Department

MISCELLANEOUS NO. 09003,

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 25, 2009

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

Ex Parte Communications: None.

Staff recommendation: Approval.

Staff presentation: **Tom Cajka of Planning staff** submitted three proposed text changes to the subdivision ordinance:

1. Add a definition for "access road" and when it shall apply. Currently, the ordinance requires that every lot have access and front upon a private or public street, which has caused some problems along major arterials, especially in older parts of town. We want to do away with additional driveways onto a major street but the ordinance requires that each lot have its own access. Instead of a formal waiver process, this text amendment creates language to consolidate those driveways.
2. Delete the 14-day appeal period after approval of a final plat. Currently, when the Director signs a final plat, the subdivision ordinance allows an appeal within 14 days, requiring that it be held for 14 days before filing with Register of Deeds. This has created problems for owners, realtors and developers with their closing dates, etc. This text amendment would do away with the appeal period, except for the subdivider.
3. Modify the requirements for granting a waiver by allowing final action by Planning Commission, even though the staff is recommending denial. Today, if there is a waiver being processed and the staff is recommending denial, the Planning Commission makes a recommendation and it is automatically scheduled on the City Council agenda. This amendment would make the Planning Commission final action unless the applicant appeals to City Council.

Carroll stated that the Planning Commission did have a briefing on this legislation on March 11, 2009.

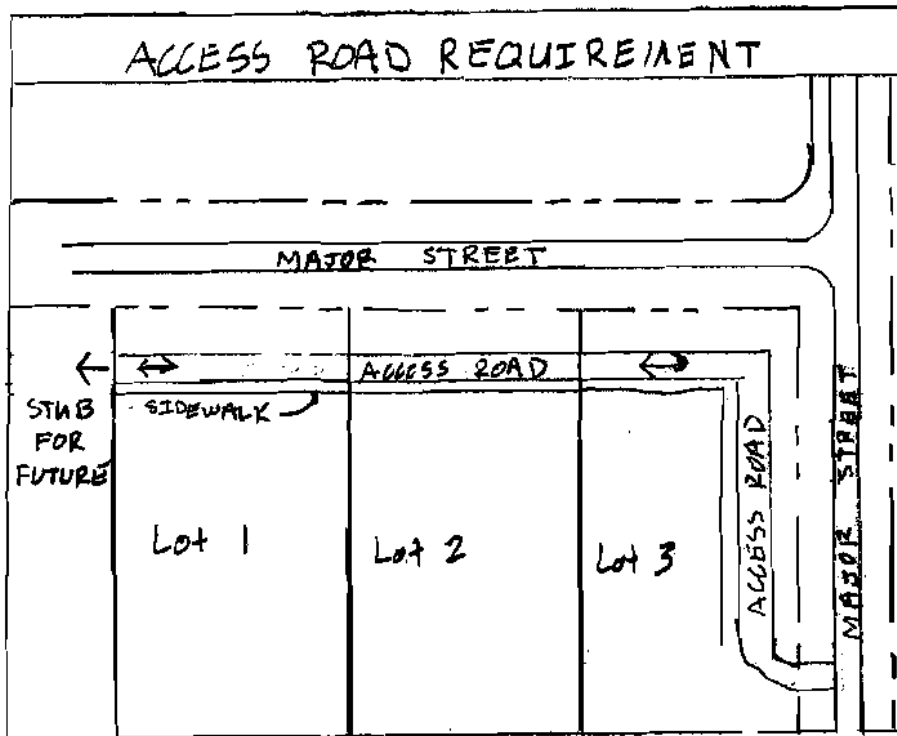
There was no other public testimony.

ACTION BY PLANNING COMMISSION:

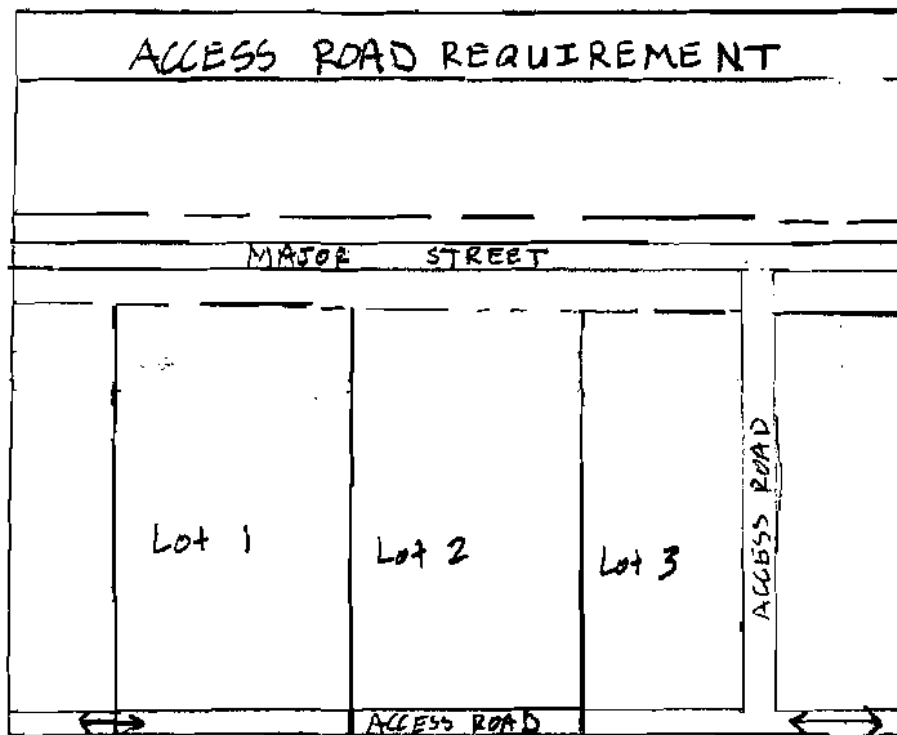
March 25, 2009

Taylor moved approval, seconded by Larson and carried 9-0: Taylor, Cornelius, Esseks, Gaylor Baird, Francis, Partington, Sunderman, Larson and Carroll voting 'yes'. This is a recommendation to the City Council.

EXAMPLE A



EXAMPLE B



Jean Preister

From: Tom J. Cajka
Sent: Monday, March 23, 2009 4:13 PM
To: Steve S. Henrichsen; Jean Preister
Subject: FW: Miscellaneous No. 09003

FYI

From: Marcia Kinning [mailto:marcia@espeng.com]
Sent: Monday, March 23, 2009 4:11 PM
To: Tom J. Cajka
Cc: Lyle
Subject: Miscellaneous No. 09003

Tom Cajka

On behalf of ESP, I am writing this letter in approval of Miscellaneous #09003.

On many occasions the issue of access to a street (major as well as non-major) has caused debate between direct access and existing accesses. The proposed modification will clarify and allow subdividers to subdivide property in a logical manor instead of irregular shapes to achieve their goals. It would be nice to see this on all streets not just major streets.

The final plat waiting period of 14 days has never been used by our clients or anyone in opposition to a particular project of ours. The elimination of the waiting period would shorten the final platting process on those final plats where subdivision agreements are not necessary. Any reduction in the process time would be greatly appreciated by all subdividers.

Thank you for introducing these modifications to the Planning Commission.

Marcia L. Kinning
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