

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 09024**, requested by the Director of Planning, to amend Title 27 of the Lincoln Municipal Code, the Zoning Ordinance, relating to single-family dwellings on small lots in the R-3 Residential District.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/05/10
Administrative Action: 05/05/10

STAFF RECOMMENDATION: Approval.

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

ASSOCIATED REQUESTS: Miscellaneous No. 10002 (10-54).

FINDINGS OF FACT:

1. This proposed text amendment to Title 27 and the associated text amendment to Title 26 (Miscellaneous No. 10002) were heard at the same time before the Planning Commission.
2. This is a request to amend Title 27 of the Lincoln Municipal Code to allow for single family and townhouse units as conditional or special permitted uses in the R-3 zoning district, with reduced lot area, lot width and yard requirements.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-5, concluding that over the past decade, there has been a national trend toward smaller lot and house sizes designed to appeal to a changing demographic profile. This amendment allows Lincoln to accommodate a growing population and a new demand for smaller lots and smaller houses in a more streamlined manner than the current options available in the zoning code. This text amendment is in conformance with the Comprehensive Plan, which recognizes that higher density development can result in lower housing and infrastructure costs and better support for nearby public and private services. The staff presentation is found on p.6-8.
4. Testimony in support is found on p.8.
5. There was no testimony in opposition.
6. On May 5, 2010, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.
7. On May 5, 2010, the Planning Commission also voted 9-0 to recommend approval of the associated text amendment to the Land Subdivision Ordinance (Miscellaneous No. 10002, Bill #10-54).

FACTSHEET PREPARED BY: Jean L. Preister

DATE: May 11, 2010

REVIEWED BY: _____

DATE: May 11, 2010

REFERENCE NUMBER: FS\CC\2010\CZ.09024+ text

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 5, 2010 PLANNING COMMISSION MEETING

PROJECT #: *Change of Zone No.09024*
Miscellaneous No. 10002

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: To allow for the reduction of lot area, lot width, and yard requirements in the R-3 zoning district for single family and townhouse lots and to allow a width to depth ratio of 4 to 1 instead of the standard 3 to 1 for the R-3 zoning district.

LOCATION: *27.15.030* and 26.23.140

CONCLUSION: Over the past decade, there has been a national trend toward smaller lot and house sizes designed to appeal to a changing demographic profile. There has been an increase in new urbanism and smart growth developments. Lincoln needs to be proactive as it adapts to changes in housing needs. This amendment allows Lincoln to accommodate a growing population and a new demand for smaller lots and smaller houses. This text amendment is in conformance with the Comprehensive Plan.

RECOMMENDATION:

Approval

COMPREHENSIVE PLAN SPECIFICATIONS:

The core promise embedded in the Comprehensive Plan is to maintain and enhance the health, safety and welfare of our community during times of change, and to promote our ideals and values as changes occur.(5)

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods. (6)

The Comprehensive Plan has long recognized the importance of building sustainable communities - communities that conserve and efficiently utilize our economic, social, and environmental resources so that the welfare of future generations is not sacrificed. This concept has grown in importance with increased understanding of the limits to energy supplies and community resources, the likelihood that energy costs will continue to increase in the future, and the climatic impacts of energy consumption. In a new century where these factors are likely to affect economic survival, we need to think about building communities that are resilient and adaptable to change. We should encourage economics that are sustainable, an attractive quality of life, and a healthy environment so that long-term benefits are derived for our community. Sustainability, as a part of the Community Vision, now requires added attention. (8a)

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. (9)

Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.(10)

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood.(10)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community. (65)

Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (65)

The key to both new and existing urban neighborhoods is diversity. For new neighborhoods, it is having a greater mix of housing types and land uses. New neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities. Developing a pedestrian orientation of buildings and streets is also a priority for new areas.(71)

ANALYSIS:

1. This proposal would allow for the reduction of lot area, lot width, and yard requirements in the R-3 zoning district for single family and townhouse lots with conditions. It will also allow a width to depth ratio of 4 to 1 instead of the standard 3 to 1 for the R-3 zoning district. See attached Exhibit A for a summary of the differences between lots with reduced lot area, lot width, and yard requirements and a standard R-3 lot.
2. Each lot under this proposal would be required to provide its own on-street parking space by providing a specific amount of lot frontage, and doors and windows would be required to face the street, providing visual surveillance of activities along the street and more "curbside appeal." These proposed conditions attempt to address criticisms of some existing single family and townhouse developments on smaller lots as having inadequate parking and "faceless" streetscapes. The following are conditions that would need to be met before utilization of a lot with reduced area, setbacks or width:
 - a) There must be at least 22 contiguous feet of uninterrupted curb space abutting the lot measured along the face of the curb from the edge of the curb return to the lot line.
 - b) Any garage door or doors facing the street shall not occupy more than 40% of the width of the building facade, except that the garage door or doors may occupy up to 60% of the width of the building facade if there is living area or a covered balcony above the majority of the garage. Notwithstanding the above, detached garages which are not considered a part of and are primarily located to the side of or behind the main structure are exempt from this requirement.
 - c) Garages facing and taking access from a street must have a minimum setback of 20 feet from the lot line.

- d) The principal street facade of each dwelling shall have at least one door. The principal street facade of each dwelling shall also have a minimum of one window per story oriented to the street. If the dwelling is two stories in height, both required windows may be located on the second floor. The minimum glazed area of a window shall be five square feet.
3. In 2009, planning staff held a series of meetings with a committee of local builders and Planning Commissioners to explore the idea of allowing smaller lots in the R-3 Residential zoning district with the above listed conditions. This would be an alternative to having to apply for a Community Unit Plan (CUP) or Planned Unit Development (PUD). While the CUP and PUD provide ways to waive lot and area standards, it is time-consuming, costly and complicated for developers when they do their land planning, and for the City when permits are issued.
4. In October of 2009 staff also sent out a letter to the development community requesting feedback on this proposed language. A draft document was also posted on the City's website. The feedback was generally positive and there were not many requests for change except one. A concern was expressed that there should be some kind of notice and hearing process in areas already zoned R-3 which may be subdivided and partially developed with nearby homeowners. Responding to this concern, staff proposed a new special permit to allow smaller lots inside the January 1, 2010 City Limits. Development outside the January 1, 2010 City limits would be allowed without a special permit. The special permit would be simpler and less expensive than a CUP or PUD, and would not be restricted to a minimum (1 or 3 acre) size parcel. The special permit would not allow for any other zoning waivers or for private roadways or private utilities as are found in CUPs and PUDs.
5. Staff also met with the Planning Commission in October and December of 2009. At those meetings, concerns were expressed over potential monotony and the aesthetic properties of smaller lots. After much discussion, it was determined that the requirement to have doors and windows that face the street and a garage door that doesn't dominate the street facade of the house would be satisfactory tools for both improving the aesthetic quality and improving the streetscape.
6. We have also amended Section 26.23.140 of the Land Subdivision Ordinance to allow a width to depth ratio of 4 to 1 instead of the standard 3 to 1 for the R-3 zoning district. This is already allowed for townhouses in the R-3 district.
7. Based on discussions with Public Works staff, smaller sized lots in the R-3 Zoning district would not affect the capacity of existing or planned infrastructure.
8. This amendment would allow local developers and builders and staff to respond in a more streamlined way to the inevitable housing recovery, in which we expect to see a continued trend toward smaller lot and house sizes appealing to a changing demographic profile. More compact new neighborhoods also can provide the benefits of more affordable housing, less costly infrastructure for the public and the home buyer, more potential for multi-modal transportation, and energy savings.
9. Attached are several exhibits. Exhibit A is a table that compares the existing R-3 lot area and setback requirements to the proposed lot area and setback requirements. Exhibit B

is an example of how one might fit a two stall garage on a smaller lot. Note that the smallest the lot width could be for a lot with a front loaded garage would be 40.5 feet. In Exhibit C are pictures of a local development that by a CUP was able to have narrower lots with alley access to garages.

Prepared by:

Christy Eichorn, Planner

DATE: April 22, 2010

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**CHANGE OF ZONE NO. 09024
and
MISCELLANEOUS NO. 10002**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 5, 2010

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

Ex Parte Communications: None.

Staff recommendation: Approval.

Staff presentation: **Christy Eichorn of Planning staff** explained the proposal relating to lots with reduced lot area, lot width and yard requirements. This legislation has previously been identified as “small lots”, but Eichorn explained that one of the reasons she is no longer calling it “small lots” is because it sounds like a different type of development, which it is not. We have lots like these all over Lincoln which were developed through the community unit plan (CUP) process. With the CUP, you are allowed to make reductions without a certain set of criteria with which to judge those reductions.

First of all, this text amendment corrects problems that we have with smaller lots in existing CUP’s such as on-street parking; driveways that are too full; and smaller lots and smaller houses without front porches or windows on the front. This text amendment adds some criteria to let both the reviewers as well the development community know the city’s expectations for lots that are less than what is provided for in the zoning district.

Secondly, this text amendment also allows the city to make maximum use of the existing infrastructure. The Comprehensive Plan talks about maximizing the community’s present infrastructure. Public Works indicated that if we approve lots that are smaller than provided for in the R-3 district, it would not have an adverse impact on the existing infrastructure and could make it even more viable.

Thirdly, this text amendment creates alternatives for lots for a growing and diverse community. In the future there are going to be people looking to move from their large lots to smaller lots that are in more walkable neighborhoods and easier to maintain. The lots with reduced lot area and width is a provision that helps protect the neighborhoods in the R-3 district.

This text amendment allows these smaller lots through the special permit process. The special permit to develop small lots on lots currently zoned R-3 would come before the Planning Commission. The developer cannot ask for private streets nor any additional streets not shown on the preliminary plat. So it really cuts back on the processing time for both the applicant and city staff.

Eichorn recited from the staff report, stating that over the past decade, there has been a national trend toward smaller lot and house sizes designed to appeal to a changing demographic profile. There has been an increase in new urbanism and smart growth developments. Lincoln needs to

be proactive as it adapts to change in housing needs. If we really want to encourage new urbanism and smart growth, we need to find new and creative ways to help the developers and the city as whole move through the process and not be a hindrance to creative developments.

Esseks noted that the amendment specifies a depth-to-width ratio of 4:1. Eichorn explained that was added because currently in the R-3 zoning district there is provision that allows a 3:1 ratio, unless a townhouse. If a townhouse, that ratio can be administratively adjusted. This amendment allows that same provision that is already in the code for single-family residential houses on lots of reduced size.

Esseks views this as a very large frontage and a very small depth. Eichorn explained that it has to do with the length of the lot instead of the width of the lot. It will be deeper than what would have been provided with the 3:1 ratio. We used the existing language in the code so that it would not cause confusion in interpretation, but we could take a look at changing it; however, it was pointed out that the proposed ordinance does clarify that it shall be the maximum depth of four times its width.

Larson inquired whether there is any provision where these homes have to be grouped in an area or could someone make application in an area where there are larger lots and take one lot and separate it into two or three? Eichorn believes that could be done. If you had a larger lot such as 90' wide inside the 2010 corporate city limits, you could divide it into two 45' wide lots by going through the special permit process.

Larson then inquired whether garages are required for the residences. Eichorn stated that there is not a requirement that you must have a garage. There are provisions that state the width of a garage on the frontage of a house, but no provision that requires a garage.

Francis asked Eichorn to share the amount of time the staff has spent working on this legislation. Eichorn advised that the Planning staff worked with a group from the Home Builders Association, including Wendy Francis, and had two briefings for the Planning Commission. There has only been support for this text amendment. There have not been any comments that have said this will be negative for the community. The staff has worked with many representatives to make adjustments to the language to protect the neighborhood and to be a friend to the development community as opposed to a hindrance.

Francis confirmed that this legislation has come about because the city is trying to make the process for development more user-friendly. Eichorn explained that the staff had heard from the development community that it would be beneficial to find a better way to process smaller lots because there might be a need for more smaller lots in the future as opposed to having to go through the big CUP process. For those reasons, the Planning staff is trying to be proactive in providing an easier process.

Francis asked Eichorn to explain the provision that is being put in place to give proper notice that this type of development might occur in certain areas. Eichorn explained that if your property is in the R-3 zoning district today, there is still the possibility that undeveloped land could be developed as a CUP with lots smaller than those currently around you. This special permit provides that same public hearing process so that it is not a surprise to anyone. The reason for the line between 2010 and some other time is that we are providing notice to the community now that these lots should be acceptable in the R-3 district. By the time we start to develop areas outside of the 2010 corporate city limits, it will not be a surprise that there could be smaller lots created next to individuals.

Esseks stated that he is impressed with the qualitative standards and asked Eichorn to summarize the efforts to make these smaller buildings relatively attractive. Eichorn explained that attractiveness was a consideration but the focus was mostly from a community public health and safety standpoint. We need eyes on the street frontage with windows and doors facing the street instead of garages. We have talked about reducing the size of the garage with it being back and even with the facade of the rest of the house; and you need to have a front door and at least one window that face the street. These are more health and safety perspectives than just aesthetically pleasing. We also have criteria for a certain amount of curb space in front to provide for on-street parking, which slows down the traffic and provides a buffer for pedestrians on the sidewalk.

Larson expressed concern about the areas that may have wider lots such as 200 feet. Eichorn suggested that the larger lots are generally in the R-1 district. Larson wondered about a situation in R-1 with the larger size lot requesting a change of zone to R-3 so that they could use this small lot process. Eichorn suggested that the Planning Commission and City Council would have to ask themselves several questions. For a change from R-1 to R-3, consideration needs to be given to the surrounding zoning and whether or not R-3 would be appropriate. Then, if we determine that area is appropriate for R-3, we would go through the process of deciding whether or not it is appropriate to have smaller lots through the public hearing process. There is nothing in this text that prohibits that kind of application.

Support

1. Lois Hartzell, Vistar Homes, 5540 N. 19th Street, testified in support. She is one of the local builders that sat in on all of the different meetings involving this proposal. She commended the Planning Department for their diligence in finding ways to streamline the development process. She builds narrower homes, which it is a great way to achieve home ownership. A narrower lot will cost \$13,000 less than buying a normal size lot. And as you know, every additional lot will be additional impact fee revenues and additional property taxes. She requested that the Planning Commission support this legislation.

Francis extended appreciation to Hartzell for her involvement and input.

Hartzell further commented that the looks of the homes are important and it provides the safety issue for seeing the streets, etc. Street parking was a very big issue as well.

There was no testimony in opposition.

CHANGE OF ZONE NO. 09024

ACTION BY PLANNING COMMISSION:

May 5, 2010

Taylor moved approval, seconded by Francis.

Cornelius stated that in preparation for this hearing today, he reviewed the R-3 zoning district in which this is being applied. The ordinance does say that this is a zone for use in developing areas, with strong encouragement for the general use of CUP's (which to some extent this is a replacement), and improved innovative design. These R-3 districts are generally located in the growth areas and it seems like a reasonable use of the zoning ordinance to create higher density in those areas.

Taylor believes this legislation is crafted very well and he appreciates the help of the developers. It will be a good asset to the community.

Sunderman believes it will be an asset and will simplify the CUP process. He likes the details of the windows and addressing the parking issues.

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

MISCELLANEOUS NO. 10002

ACTION BY PLANNING COMMISSION:

May 5, 2010

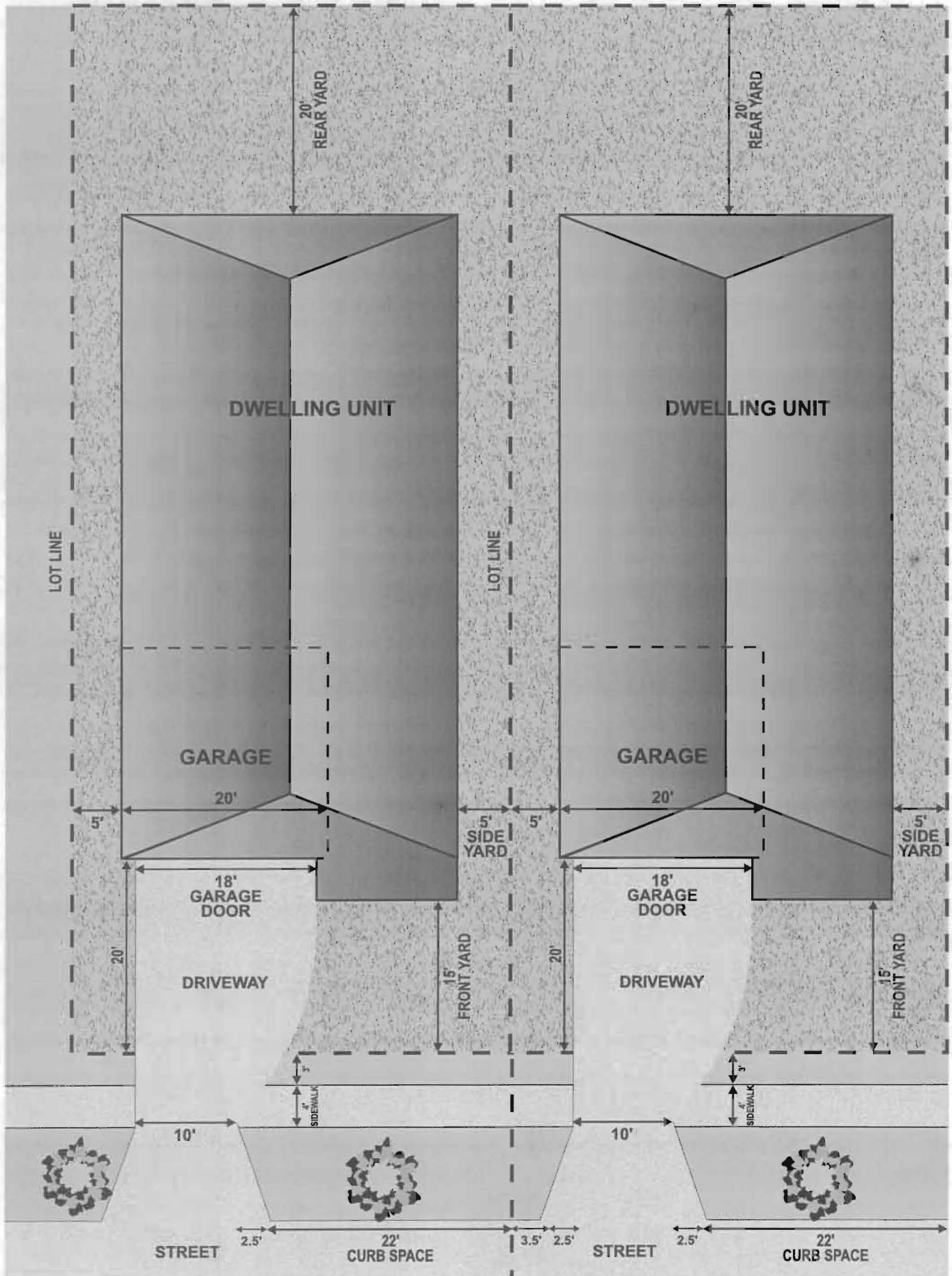
Lust moved approval, seconded by Larson and carried 9-0: Larson, Esseks, Partington, Cornelius, Taylor, Francis, Gaylor Baird, Lust and Sunderman voting 'yes'. This is a recommendation to the City Council.

WHAT IS A SMALL LOT?

	Maximum Gross Area (sq. ft.)	Minimum Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Minimum Rear Setback
Single Family Standard R-3	6,000	50'	20'	5'	Smaller of <u>30'</u> or 20% of the depth	35'
Single Family Small Lot	3,300	33'	15'	5'	Smaller of <u>20'</u> or 20% of the depth	35'
Two Family Standard R-3	5,000 per family	40'	20'	5' or 0' if party wall	Smaller of <u>30'</u> or 20% of the depth	35'
Two Family Small Lot	3,300 per family	33'	15'	5' or 0' if party wall	Smaller of <u>20'</u> or 20% of the depth	35'

EXHIBIT B

SINGLE STALL GARAGE ON 40.5' LOT



THOMPSON CREEK



012

EXHIBIT C

ALLEY ACCESS

