

Public Hearing: August 15, 2011

## F A C T S H E E T

**TITLE:** Resolution for Impact Fee Appeal  
with Ameeta Martin, 7301 South 27<sup>th</sup>,  
Suite 150.

**SPONSOR:**

**OPPONENTS:** Public Works & Utilities

**OTHER DEPARTMENTS AFFECTED:**

**STAFF RECOMMENDATION:** Denial

**APPLICANT:** Ameeta Martin

**REASON FOR LEGISLATION:** Impact Fee Appeal

## D I S C U S S I O N

Lincoln Municipal Code §27.82.050(c)(1) provides in pertinent part that “the Impact Fee Administrator shall determine the amount of each required impact fee through the use of impact fee schedules adopted by the City Council.” However, in the present case, the proposed use is not shown in the Arterial Street Impact Fee Schedule beginning January 1, 2011 (2007-2011). Therefore, the provisions in Lincoln Municipal Code § 27.82.050(c)(2) become applicable. Lincoln Municipal Code §27.82.050(c)(2) provides in pertinent part that “if the type of development. . .that a permit is applied for. . .is not listed in a schedule, then the Impact Fee Administrator shall use the fee applicable to the most nearly comparable type, land use. . . in such schedule.” Section 27.82.050(c)(2) further provides that “In the case of arterial street impact fees, decisions about what use is most nearly comparable shall be guided by the most recent edition of “Trip Generation” and the companion “Trip Generation Manual” prepared by the Institute of Transportation Engineers. . .” With respect to this appeal, the only Impact Fee in dispute is the amount of the Arterial Street Impact Fee.

Under the Arterial Street Impact Fee Schedule beginning January 1, 2011 (2007-2011), the appellant’s building is classified as a non-residential use under Drinking Place. The unit of measure is per 1,000 square feet of gross floor area and under the Trip Generation Manual, the fee per unit is \$7,310 for Drinking Places. As defined in Lincoln Municipal Code §27.82.040, Gross Floor Area, the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features are subject to Impact Fees. The source and application of the City Code has been strictly followed since the adoption and implementation of the Impact Fee Ordinance, thus the precedence has been set.

Per Lincoln Municipal Code §27.82.050(c)(4), credit has been provided for the prior retail use in the fee calculation. The fee is based on the net increase in the fee for the new use as compared to the previous use.

**POLICY OR PROGRAM CHANGE:** No

**FACT SHEET PREPARED BY:**

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**REVIEWED BY:**

Director of Public Works/Utilities