

# “The Lex-Plan 2013”

INTRODUCTION

IMPLEMENTATION TOOLS

LAND USE SUITABILITY

PHASING PLAN

ANNEXATION

PLAN MAINTENANCE

## Introduction

Implementation refers to the objectives, policies and actions that have been identified to carry out “*The Lex-Plan 2013*.” This portion of the comprehensive plan includes actions designed to improve the long-range planning process, strengthen links between the plan and capital improvement budgeting, establish a process reporting system to monitor the progress of “*The Lex-Plan 2013*,” and a schedule for updating and amending the plan in the future.

Successful comprehensive plans are ones that are implemented. While the role of the Planning Commission is to ensure the orderly growth of the community by adherence to the Comprehensive Plan, it is up to the citizenry to champion the projects envisioned to implement the plan. Developing a plan is relatively easy compared to the implementation of it. What happens with the plan, how it is used in day-to-day decision-making, and the extent to which it is followed over time will all influence its overall success. “*The Lex-Plan 2013*” is a living, breathing document; it is not the end of a planning process but the beginning of a coordinated effort to direct growth and development in ways that are important to the citizens of Lexington.

Rarely will a single tool or category of tools be sufficient to achieve the goals in a comprehensive plan. Most policies, and most of the preferred mix of land uses shown on the future land use map, require the use of several tools from different categories in order to be realized, obtained, and sustained. The City of Lexington must develop its own set of implementation tools and strategies, recognizing that each has unique strengths and weaknesses.

### Implementation Tools

The City of Lexington has a number of tools at its disposal to shape development patterns, protect natural resources and human infrastructure, and protect the quality of life for its residents. Implementation strategies can be separated into several distinct tool categories and programs, each with its distinct characteristics that make it suitable for specific goals and circumstances.

Support Programs

Public Education

Managing Public Processes and Resources

Special Studies and Plans

### Support Programs

Four programs will play a vital role in the success of “*The Lex-Plan 2013*.” These programs are:

**Capital Improvements Financing**--an annual predictable investment plan that uses a one to six-year planning horizon to schedule and fund projects integral to the plan's implementation.

**Zoning Regulations**--updated land use districts and regulations, including design guidelines, can allow the city to provide direction for future growth.

**Subdivision Regulations**--establish criteria for erosion control and runoff and dividing land into building areas, parks, trails, utility easements, and streets. Implementing the Transportation Plan is a primary function of subdivision regulations.

**Plan Maintenance**--an annual and five-year review program will allow the city flexibility in responding to growth and a continuous program of maintaining the plan's viability.

### Public Education

In addition to the identified programs, broad public support and involvement is necessary in the development and use of any implementation policy or program. If adequate support is to be developed, a program educating residents is necessary. People who understand the needs and ways of meeting those needs of the community must take the initiative to stimulate the interest and the understanding required to ensure action is taken. The City Council or Planning Commission of Lexington should strive to implement an annual public participation process through education of land use issues. The city should continue to use its website and make the comprehensive plan and development regulations available online. Ongoing education and promotion will be an important factor in sustaining interest and motivation from community members.

Some of the objectives of the comprehensive plan cannot be achieved unless the actions of two or more public agencies or private organizations can be coordinated. Frequently, constraints prevent organizations from working with one another (i.e. financial resources, legal authority, restriction of joint uses of facilities, etc). Efforts should be made to bridge this gap with open communication, cooperation and the realization that the issue at hand could benefit the health, safety, and general welfare of the residents in Lexington.

### Managing Public Processes and Resources

Public investments also include the time and effort that go into management decisions for infrastructure, public services, public lands, and public processes. Such investment or decisions can include:

- Coordinating capital improvements planning throughout all departments to meet the comprehensive plan goals and remain consistent with plan policies.
- Investments and improvements in water, wastewater, and transportation infrastructure made by the city.
- The acquisition, sale, or exchange of land for the purpose of preservation or development.
- Decisions on expenditures for public resources such as streets, parks, and trails, property management and the provision of public services.

### Special Studies and Plans

Additional studies and plans can be helpful to further explore and define a vision of a certain area, corridor, or development site. Conducting studies and making decisions area by area can enhance the Comprehensive Plan. Some examples of additional planning efforts that can further develop ideas expressed in “*The Lex-Plan 2013*” include:

Housing Master Plan

Facilities Management Plan

Site Development Plan for city property

[IMPLEMENTATION] Comprehensive Plan - Lexington, Nebraska

## Land Use Suitability

How will “*The Lex-Plan 2013*” be implemented?

The major assumption of this Comprehensive Plan is:

**“Specific development criteria will be adopted to help guide builders, investors, and community leaders in making good decisions concerning the future of Lexington.”**

These criteria will be specific statements that:

Describe the relationship between/among land uses.

Establish criteria or design standards that new development must meet.

Minimize land use conflicts between neighboring land owners.

Create consistent characteristics within each land use district.

## Land Use Transitions

New development should provide, if needed, screening, buffers, or additional setback requirements when located next to existing uses. Screening or buffers may be plant material, low earthen berms, solid fences, or any combination of the above. Boundaries between different land uses are done along streets, alleys, or natural features (streams, railroads, etc.) whenever possible.

## Neighborhood Entrances

First impressions of the community are made at the entrances. These impressions are critical to a community's overall image. New development should have larger setbacks and higher landscaping standards when located at any of the present or future entrances to the neighborhood. This in turn with appropriate sign regulations along the major transportation corridors into and from the city will promote a better community image and improve the quality of life in the City of Lexington. Neighborhood and community entrance policies, guidelines and locations are identified in the Envision Section and the established Character Areas of the Urban Design development examples.

## Achieving Lexington's Future Plan

In order to solve community problems or concerns, successful city comprehensive plans have the key ingredients of consensus, ideas, hard work, and the application of each of these. This section of the plan contains the inspiration of the many city officials, school district, chamber, economic development organization, and concerned citizens who have participated in the planning process. Nevertheless, the ultimate success of "*The Lex-Plan 2013*" remains in the dedication offered by each and every resident.

There are numerous goals and objectives in this plan and it is recommended to review the relevant goals and objectives during the city planning and budget sessions. However, it is also recommended that the city select elements of the plan for immediate action; the goals of highest priority which will ultimately lead to the success of other goals and objectives. It will be critical to earmark the specific funds to be used and the individuals primarily responsible for implementing the goals, objectives and policies in Lexington.

## “*The Lex-Plan 2013*”

### Community Growth

New development should, to the greatest extent possible, be contiguous to existing development or services. This would allow for the logical and cost effective extension of streets and utility services. The city may authorize non-contiguous development if:

The developer pays for the “gap” costs of extending services from the existing connections to the proposed development.

The extension would open up needed or desirable areas of the community for additional growth.

Issues related to adjacent/transitional agriculture are properly addressed.

The Future Land Use Plan is one of the statutory requirements of a Comprehensive Development Plan, as stated in the Nebraska State Statutes. The Land Use Plan, along with the Transportation Plan, provides the necessary tools to direct future development in and around Lexington. The city’s Land Use Plan is based on existing conditions and projected conditions for the community.

The need for residential uses will be driven by the future population, the ratio of owner-occupied to renter-occupied housing units, and the projected number of future dwelling units needed. New residential development can drive the need for additional commercial development, additional streets, public and park facilities, and industrial development. Therefore, decisions regarding future residential development will have a direct impact on other uses throughout the entire community. Conversely, commercial and industrial development in a community will lead to further economic development and the need for more residential units. Although Lexington continues to grow in population which is contributing to some commercial growth, it has the possibility of industrial and business park developments along major transportation corridors including the proposed truck-by pass in the southeast quadrant of the community will lead to additional opportunities and population growth.

### Phasing Plan

Development in Lexington should occur on an incremental basis to expand services in a cost effective manner. This approach will allow the city to avoid areas of development that are not served by roads, water, sewer, or other utilities. The phasing plan is intended to serve as a guideline to developers and the city to avoid unnecessary costs and promote positive development. There may be some overlapping or concurrent implementation of phases, influenced by special demands and opportunities.

Phase One Development

Phase Two Development

Phase Three Development

Phase Four Development

## Phase One Development

This area includes infill development within or adjacent to the existing corporate limits. Not all of the existing vacant properties within Lexington’s corporate limits will be capable of Phase One development. Development constraints such as floodplain or major transportation corridors may not be suitable for residential development; however, such areas may be suitable for commercial, industrial, park or trail systems.

The primary concern within this area should include the following:

- Development of vacant lots already served by established utilities and community infrastructure
- Redevelopment of substandard or underutilized properties
- Development identified in the 2010 Downtown Revitalization Plan
- New housing development in southwest, northwest, and east Lexington
- Industrial development along Commerce Road
- Redevelopment of mining operations into a regional recreation area adjacent to Interstate 80

## Phase Two Development

This area includes land located north of the existing City limits and south of Road 757, and additional industrial area in southeast Lexington. These areas need sewer, water and local streets, but are serviced by arterial and collector transportation routes that make these areas prime for commercial, industrial, and flex space in the southeast and residential in the north and residential with mixed use development in the southwest.

The primary concern within this area should include the following:

- Construction of a truck by-pass
- Development outside of the floodplain with opens pace and a trail system in the areas prone to flooding
- Construction of public infrastructure

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## Phase Three Development

Phase Three includes land southeast and northeast of Lexington. Opportunities may be available for development of the Phase Three area prior to completion of Phase Two development; however, these areas are designated for further residential growth to the north and will be more difficult and costly to install new services in the near future until such lines are installed in Phase Two areas. These areas, if developed ahead of schedule, should have services constructed with either the developer assisting with financing the infrastructure upgrades or the developer creating on-site infrastructure that meets Lexington's, Dawson County's, and the State of Nebraska requirements.

The primary concerns with Phase Three include:

Continued public infrastructure

Where necessary, a lift station and force main due to lack of topography for gravity flow

Service mains to collect wastewater and transport to the lift station(s)

Extension of water distribution lines and continued looping of the system to allow for adequate pressure and flows

## Phase Four Development

Phase Four areas are considered those areas along the proposed by-pass and adjacent to the north and east. Such areas to north are designated as residential and to the southeast for Business Park and industrial developments and may be dependent on the development/construction of east by-pass. These areas would have a much higher cost than other phases closer to existing development. Like phase three, these areas, if developed ahead of schedule, should have services constructed with either the developer assisting with financing the infrastructure upgrades or the developer creating on-site infrastructure that meets Lexington's, Dawson County's, and the State of Nebraska requirements.

Construction of sanitary sewer interceptor lines

Where necessary, installation of lift stations and force mains

Service mains to collect wastewater and transport to the lift station

Construction of collection lines for sewer and water distribution mains

Extension of the local road network

Extension of fiber optics and electricity

## Annexation

As the city grows in size it must look for opportunities to extend its borders to continue to provide a high quality of life for its residents. To do this, the State of Nebraska has established a process for communities to expand their municipal boundary into areas that are contiguous to the community, provided such actions are justified. However, this power should be used when development becomes urban rather than rural in nature. In addition, State Statutes restrict annexation to land that is within 500 feet from the corporate limits of the municipal boundary. There are three ways annexation can be pursued. These include:

**Property owners can request annexation.**

**The municipality can annex any contiguous or adjacent tracts, lots, or streets/roads that are urban or suburban in nature.**

**At the time land is platted adjacent to Lexington’s Corporate Limits it could be annexed at the time of approval of the final plat with a pre-annexation agreement.**

In the case of the first method, the property owner must submit a plat prepared by a licensed surveyor. The plat must be approved by the city and filed with the city, along with a written request signed by all owners of record for the proposed annexation properties. Annexations must be approved by both the Planning Commission and City Council. To adopt an annexation ordinance, a majority of affirmative votes are required by the governing body at each reading of the ordinance. Then the certified map is filed with the County Assessor, County Clerk, and Register of Deeds along with a certified copy of the ordinance. The city then has one year to adopt a plan for the extension of services to the annexed area.

### Areas for Potential Annexation for Lexington

Within Lexington’s extraterritorial jurisdiction and the identified growth areas of the city there are areas adjacent to the existing corporate limits which will likely be the first ones considered for annexation in the future. Lexington’s annexation policy should include all urban development once it becomes adjacent and contiguous to the corporate limits. Future annexation policies for subdivisions not developed as SIDs, should be to annex these properties into the corporate limits as soon as they meet the State Statutes of adjacent and contiguous as well as urban and suburban in character.

The City of Lexington has identified several areas adjacent to the corporate boundaries as potential areas of annexation. The Planning Commission shall review these areas and others annually to consider future growth and annexation. Areas for potential annexation are displayed in Figures 59 and 60 with future housing and job growth. These maps can be found on page 203 and 204.

## Plan Maintenance

### Annual Review of the Plan

A relevant, up to date plan is critical to the ongoing planning process. The plan must be current to maintain the confidence of both public and private sectors and evaluate the effectiveness of planning activities. The most important planning process is modifying the plan to fit the needs of the city. City resources can be better utilized with mid-plan corrections. Thus, an annual review may occur where the Comprehensive Plan Steering Committee, Planning Commission, City Council, residents, and staff are able to review the plan and recommend necessary changes.

The annual review process can involve regularly monitoring trends and changes in the local, regional, state and federal landscape. Such trends and changes may include changes in development activity and use, trends in development regulation amendments, and changes in planning and zoning law. At the beginning of each year at the annual review, a report should be prepared by the Comprehensive Plan Steering Committee and/or the Planning Commission that provides information and recommendations on whether the plan is current in respect to population and economic changes and if the recommended policies are still valid for the city and its long-term growth.

The Planning Commission may hold a public hearing on this report to:

- Provide citizens or developers with an opportunity to comment and/or present possible changes to the plan
- Identify any changes in the status of projects or action items called for in the plan
- Bring forth any issues, or identify any changes in conditions, which may impact the validity of the plan

If the Commission finds major policy issues or major changes in basic assumptions or conditions have arisen which could necessitate revisions to the plan, they should recommend changes or further study of those changes. This process may lead to identification of amendments to “*The Lex-Plan 2013*” that would be processed by staff, recommended by the Planning Commission and considered by the Lexington City Council.

### Conditions for Plan Amendment

Comprehensive Plan amendment procedures are necessary to determine what constitutes conformity or non-conformity with the plan. It is impossible to set hard and fast rules for such decisions but consistent criteria should be used when making this determination. The following criteria are recommended:

A plan amendment may be required when there's a request for increases in residential density or non-residential floor area in excess of the guidelines established in the plan, depending upon the degree of increase.

Land use request involving minor differences in boundaries from those shown in the plan should be considered in conformity with the plan unless precedent would be set for more extensive and non-conforming changes in adjacent areas.

Requests for variations or changes in the alignment of designated roadways should be considered in conformity if the continuity of the road-way is maintained, the alignment does not result in traffic safety problems or reductions in needed capacity, does not constrain the proper development of contiguous properties, and does not conflict with or preempt other planned uses or facilities.

Requests to deviate from plan-specified requirements such as open space and traffic reduction measures generally should not be permitted in order to ensure equitable treatment of all property owners and to avoid arbitrary decisions which would undermine the legal foundations of the plan. If changes are to be made, they should be done through a plan amendment process.

The final criteria must always be whether the request, whatever its nature, will set a precedent for cumulative changes which are not consistent with the plan. Therefore, in those instances where the implications of the request are not easily observed or detected, a request for a plan amendment should be required.

### Methods for Evaluating Land Development Proposals

The interpretation of the plan should be comprised of a continuous and related series of analyses, with references to the goals and objectives/policies, the overall land use plan, and specific land use policies. Moreover, when considering specific proposed developments, interpretation of the plan should include a thorough review of all sections of the plan.

If a development proposal is not consistently supported by “*The Lex-Plan 2013*,” serious consideration should be given to making modifications to the proposal, or the following criteria should be used to determine if a comprehensive plan amendment would be justified:

The character of the adjacent neighborhood

The zoning and uses on nearby properties

The suitability of the property for the uses allowed under the current zoning designation

The type and extent of positive or negative impact that may affect adjacent properties, or the city at large, if the request is approved

The impact of the proposal on public utilities and facilities

The length of time that the subject and adjacent properties have been utilized for their current uses

The benefits of the proposal to the public health, safety, and welfare compared to the hardship imposed on the applicant if the request is not approved

Comparison between the existing land use plan and the proposed change regarding the relative conformance to the goals and objectives/policies

Consideration of professional staff recommendations