

AMENDING CHAPTERS 31 AND 36

TYPE OF ISSUE: Proposed amendments to various Sections of Chapter 31 (Subdivision) and Chapter 36 (Zoning) regarding multiple phased developments.

STAFF ANALYSIS:

The Planning and Development staff was asked to review the City's current ordinance for possible revisions regarding conditional use permit time frames for implementation. The ordinance currently establishes a maximum of three (3) years from the date of approval for required permits to be obtained. Otherwise, the approval is considered void. In the instance of a multiple-phased development, obtaining permits for the first phase within the allotted time establishes the conditional use permit. There is no subsequent time frame for implementation of additional phases, unless specifically established by the Planning Commission.

During the review of the current ordinance language, staff also reviewed the time frames for subdivision and zoning site plan review; both of which could involve a multiple-phased development. Any proposed language change in the conditional use permit section of the Code should also be considered for the subdivision and zoning site plan review sections.

Additionally, multiple-phased developments could be approved through the planned development rezoning process. That process does have the requirement that a final plan be submitted within three (3) years of approval or the planned development is no longer valid and may be revoked. Other criteria for revocation of planned developments are in the Code as well. Staff does not believe any change should be made to the current planned development language related to time frames or phasing. Planned developments are actually a rezoning of the property which establishes uses and a development plan for the site. Planned developments are approved through action not only by the Planning Commission but also by review and approval of an ordinance at the Board level.

Possible ordinance amendments to the current Code language related to conditional use permits, zoning site plan reviews and subdivision (multiple building) site plan reviews follow.

AMENDING CHAPTERS 31 AND 36 (Cont.)

Chapter 36, Section 36-108.(c) (conditional use permit conditions) currently reads as follows:

(c) Conditions may include time limits for exercise of authorization. However, the maximum allowable time shall be three (3) years from the date of approval. Required permits must be obtained within the allotted period, unless an extension of time is granted by the commission. Otherwise, the conditional use permit approval shall be considered void.

A proposed amendment would be to keep that existing language but add additional language to read as follows:

In an approved multiple-phased development, any phases for which the required permits have not been obtained within three (3) years of the date of approval must be reviewed and approved by the Planning Commission in the same manner as established for the initial conditional use review.

Chapter 36, Section 36-132.(d)(terms of approval of zoning site plan review) currently reads as follows:

(d) *Term of approval.* Any applicant receiving approval of a site plan shall be limited to a maximum of thirty-six (36) months from the date of approval to obtain all required permits. Failure to perform will result in notice of termination from city staff. The notice shall set a time and place for revocation hearing by the Planning Commission at which time the owner may request continuance of his/her approval.

A proposed amendment would be to replace that language with new language that would be consistent with the proposed change in the conditional use section and to read as follows:

(d) *Term of approval.* Any applicant receiving approval of a site plan shall be limited to a maximum of three (3) years from the date of approval to obtain all required permits unless an extension of time is granted by the Planning Commission. Otherwise, the site plan approval shall be considered void.

In an approved multiple-phased development, any phases for which the required permits have not been obtained within three (3) years of the date of approval must be reviewed and approved by the Planning Commission in the time manner as established for the initial zoning site plan review.

Chapter 31, Section 31-13.(f)(terms of approval of subdivision/multiple building site plan review) currently reads as follows:

(f) *Term of approval.* Any applicant receiving approval of a site plan shall be limited to a maximum of thirty-six (36) months from the date of approval to obtain all required permits. Failure to perform will result in notice of termination from city staff. The notice shall set a time and place for a revocation hearing by the Planning Commission at which time the owner may request continuance for the approval.

A proposed amendment would be to replace that language with new language that would be consistent with the proposed change in the conditional use section and to read as follows:

(f) *Term of approval.* Any applicant receiving approval of a site plan shall be limited to a maximum of three (3) years from the date of approval to obtain all required permits unless an extension of time is granted by the Planning Commission. Otherwise, the site plan approval shall be considered void.

In an approved multiple-phased development, any phases for which the required permits have not been obtained within three (3) years of the date of approval must be reviewed and approved by the Planning Commission in the same manner as established for the initial subdivision site plan review.

A memorandum outlining the proposed changes was sent to an Ordinance Amendment Contact list of forty-five (45) groups and individuals; including design professionals, realtors, developers and neighborhood coalitions. As of this writing, staff has received two verbal responses; both supportive of the proposed changes.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments.

PLANNING COMMISSION ACTION:

(DECEMBER 12, 2013)

Staff presented the item and a recommendation of approval. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 8 ayes, 0 noes, 2 absent and 1 open position.