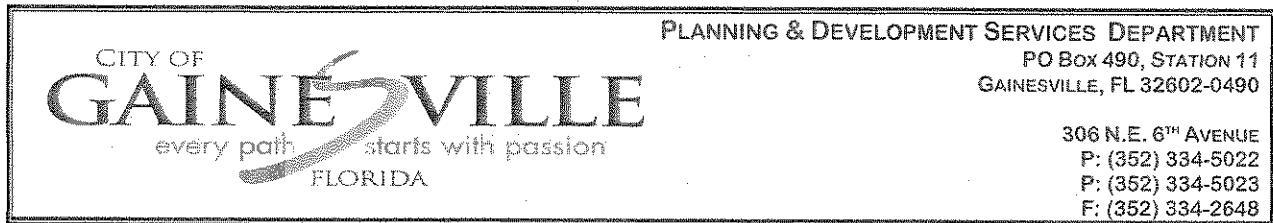


LEGISLATIVE #

110373C



TO: City Plan Board **Item Number:** 3

FROM: Planning & Development Services Department **DATE:** June 23, 2011
Staff

SUBJECT: Petition PB-11-74 TCH. City Plan Board. Amend the Land Development Code to revise neighborhood workshop requirements, development plan submittal requirements, and levels of review for development.

Recommendation

Staff recommends approval of Petition PB-11-74 TCH.

Introduction

This petition proposes text amendments to Land Development Code Article VII, *Development Review Process* (Sections 30-151 through 30-166) and to Section 30-350, *Citizen Participation*. The proposed changes to Article VII include the reorganization of the levels of development review, an update of the development plan submittal requirements, and clarifications to the process for development review and approval. The changes to Section 30-350 cover the types of projects that will require a neighborhood workshop, the notification requirements, and the timing of workshops.

Background Information

The proposed changes included in this amendment were presented to the Development Review Board on January 13, 2011, and the board provided some input into this proposal. In addition, the proposed modifications to the levels of development review were discussed with the Community Design Review Committee earlier this year. The proposed changes to the neighborhood workshop requirements result directly from a direction from the City Commission to the Planning and Development Services Department staff.

Summary of Recommended Changes

The recommended changes to Article VII, *Development Review Process* (Sections 30-151 through 30-166) are summarized in the outline below (additionally, the complete proposed text is shown in Attachment A, and the existing text is shown in Attachment B).

Development Review Thresholds:

- **Expands the Rapid Review level** to include buildings up to 1000 square feet (from 500 square feet) , parking areas of less than 8 spaces (currently allows no additional parking), and new impervious areas up to 1000 square feet. This is based on staff observations that developments with 1000 square feet of building area and/or several parking spaces are almost always small additions to existing developments, and rarely require involvement from Public Works or other departments. Additionally, developments with less than 1000 square feet of new impervious area do not require any measures to compensate for stormwater runoff. Under this proposal, staff estimates that approximately 5% of plans currently reviewed through the development review process would now be handled as building permits.
- **Expands the Minor Review level** to include buildings up to 10,000 square feet (from 2500 square feet) and up to 10 multiple-family dwelling units (from 5 units). These new thresholds match the thresholds for neighborhood workshops, meaning that all plans that would proceed to a public hearing would also require a workshop. This adjustment to the thresholds would mean that 15%-35% less plans would be reviewed through the public hearing process, and would instead be handled administratively. These plans would still receive a complete staff review from the Technical Review Committee. This change will not affect the threshold for a minor subdivision, which will remain at five lots or less.
- **Removes the Minor Review II level**, since plans of this size would be included with minor plans and reviewed administratively. This level of review was originally created to allow for smaller developments that would be reviewed by a board to be automatically placed on a consent agenda. In reality, many of these plans deal with the same site design issues and complexities as larger plans.
- **Clarifies the means for determining the level of review** by providing categories for different types of developments and by more clearly defining thresholds for parking and impervious areas. Also include review methods for general construction activity (excavation, filling, or removal).
- **Clarifies the processes for amending approved development plans** by recognizing that some amendments are technical adjustments to the plans that could be processed as rapid reviews. Other amendments are slight redesigns that do not affect specific requirements from the reviewing board and may be handled administratively as a minor plan review. Finally, amendments to approved plans that increase square footage or add residential units would still be evaluated accordingly based on standard levels of review, and may or may not require board review.

- **Provides an incentive for mixed use development** by basing the level of review separately for the residential and non-residential components of the development.
- **Requires board review for developments with certain concerns**, at the discretion of staff. Projects that include waiver requests from standards or have significant environmental impacts may proceed directly to a review board regardless of size.

Development Plan Submittal Requirements:

- Updates the submittal requirements for concept plans to include a written explanation of waiver requests, and to show new streets, landscape areas, the location of buildings, and conceptual building elevations.
- Consolidates the submittal requirements for preliminary and final development plans into one list of development plan requirements, and simplifies and updates the list to reflect what is typically needed for review of a development proposal.
- Requires a written explanation and justification of waiver requests.
- Adds requirements for new streets, transit facilities, freestanding signs, solid waste/recycling facilities, walls, fences, stormwater facilities, and environmental features and buffers to be shown on dimension plans.
- Allows for a qualitative tree survey in lieu of a traditional tree survey. Requires that project utilizing solar generation also survey trees on adjacent properties that are adjacent to solar equipment.
- Requires construction staging areas to be shown on demolition and construction plans, as well as protection measures for trees that will be preserved.
- Adds a requirement for an environmental features map and mitigation plan where needed.
- Removes the list of detailed utility information and replaces with a general requirement for a utility plan and other information as required by the utility company.
- Adds a requirement to include details of bus shelters, solid waste/recycling enclosures, and walls and fences.
- Organizes all required information for buildings and fire protection into one list.

- Removes the preliminary stormwater plan requirements, since these are more conceptual and do not allow staff to make any technical determinations about the proposal. Refers to the public works design manual for specific stormwater design requirements.

Development Plan Process:

- Clarifies that rapid reviews, signs, and removal of regulated trees are the development activities that may be conducted without a development order. Construction of single family and two family dwellings are contained under the rapid review category.
- More clearly outlines the steps in the review process as: first step, neighborhood workshop, application, concept review, preliminary board review, and final administrative review.
- Allows for a pre-application conference with the planning department instead in lieu of a first step meeting. The pre-application conference would be reserved for experienced applicants who are aware of the City's development standards and have specific questions about site or building design for a project.
- Clarifies that public notice, neighborhood workshops, and preliminary review are not required for minor development plans.
- More clearly defines preliminary and final review, so that 'preliminary' is board review at a public hearing and 'final' is staff review. Preliminary development orders are therefore granted by the reviewing board, and final development orders are granted by the Technical Review Committee. Minor development plans, since they are administratively reviewed, forego the step of preliminary review and do not receive a preliminary development order.
- Clarifies that a master plan is an option provided for phased developments in order to demonstrate that the completed development will be consistent with the Comprehensive Plan and the Land Development Code. Master plans do not reserve concurrency and do not guarantee that future phases will be approved.
- Clarifies that amendments are needed in order to deviate from approved development plans, and that amendments will be processed according to the same levels of review.

The recommended changes to Sections 30-350, *Citizen Participation* are summarized below (and a strikethrough/underline version of the proposed amendment is shown in Attachment C).

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April 28, 2011

Neighborhood Workshops:

- Clarifies that only City-initiated amendments to the Future Land Use or zoning maps for annexed properties are exempt from the requirement for a workshop.
- Also clarifies that all text changes to the Comprehensive Plan or Land Development Code to do not require a workshop.
- Removes the requirement for developments within special area plans or redevelopment districts to hold workshops with the City Design Review Team (this no longer exists).
- Reduces the required notification of neighborhood associations to those within ½-mile of the subject property.
- Requires that the workshop be held at least two weeks prior to the first public hearing.
- Requires that a new neighborhood workshop be held after six months.

Respectfully submitted,



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Prepared by:



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Senior Planner

List of Attachments:

Attachment A – Proposed Amendment to Article VII - Development Review Process

Attachment B – Existing Article VII - Development Review Process

Attachment C – Proposed Amendment to Section 30-350 - Citizen Participation