

VI. **COMMISSION ITEMS** – The Chair will announce that any item a Commission member would like to present will be heard at this time.

- a. **SRA 2016-1: AMENDMENT TO ARTICLE 4-4(D)(1)** - petition for a text amendment to the Land Subdivision Regulations to increase the “life” of a Preliminary Subdivision Plan approved by the Commission from 3 years to 5 years.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: (Text underlined indicates an addition to the existing Land Subdivision Regulations.)

(1) APPROVAL - Means the developer is authorized to proceed with the preparation of the required improvement plan. Preliminary plan approval by the Planning Commission automatically grants a developer ~~three (3)~~ five (5) years from the date of Commission action within which he shall submit final plans for all property shown on the preliminary plan for Planning Commission consideration. Before expiration, the Commission may extend the approval period in increments not to exceed one year at a time, provided the Commission finds that progress has been made in the physical construction of improvements. In conjunction with such approval extensions, the Commission shall have the right to require changes in the preliminary plan when it finds that time has necessitated such changes for the health, safety and welfare of the residents of the community or when applicable ordinances and regulations have been changed. Upon the expiration of any approval period specified under this section, the plan shall be deemed as disapproved by the Commission.

The Subdivision Committee made a recommendation of Approval.

The Staff Recommends: Approval, for the following reasons:

1. The removal of the conflict in the Zoning Ordinance and the Land Subdivision Regulations regarding the allowable “life” of a combined Final Development Plan/Preliminary Subdivision Plan would be eliminated with this proposed amendment.
2. The long-standing practice of allowing Improvement Plans to be filed within three years of the certification of a Preliminary Subdivision Plan would be replaced with the certainty of a statement in the Regulations allowing up to “five (5) years from the date of Commission action” on the plan. In most instances, this will allow project engineers 12-23 months longer than the past practice to perform this task.

Staff Presentation – Mr. Sallee directed the Commission’s attention to the proposed text amendment to Article 4-4(d)(1) of the Land Subdivision Regulations regarding the approval of Preliminary Subdivision Plans. He said that, at the request of the staff, this text amendment was initiated by the Planning Commission to increase the allowable “life” of a Preliminary Subdivision Plan approval from 3 years to 5 years from the date of the Commission’s approval of that plan. This text amendment was designed to dispel two current uncertainties and confusing items in the Land Subdivision Regulations.

Mr. Sallee indicated that the Commission has seen a number of combined Preliminary Subdivision and Final Development Plans. He explained that under the Zoning Ordinance, a Final Development Plan allows building permits to be obtained for up to 5 years; but the Preliminary Subdivision Plan will expire in 3 years, which is 2 years earlier than the rest of the plan. This proposed change will extend the life of all Preliminary Subdivision Plans to 5 years from the date of the Planning Commission’s approval. This would then make both the Preliminary Subdivision Plan and the Final Development Plan match exactly with what is listed in the Zoning Ordinance for the life of a development plan.

Mr. Sallee said that the proposed change would also eliminate the uncertainty of when the 3-year clock would begin. He explained that, for years, the staff had interpreted the 3-year clock as beginning on the date the Preliminary Subdivision Plan was certified. That is the date the staff certified that the plan had met all of the conditions from the Planning Commission’s approval. However, in reviewing this issue more closely with the Law Department, that practice was ambiguous. This proposed text amendment would take away that ambiguity, making it clear - it would be 5 years from the date of the Planning Commission’s approval.

Mr. Sallee said that the Subdivision Committee and staff were recommending approval of the proposed change to Article 4-4(d)(1) of the Land Subdivision Regulations, for the following reasons:

1. The removal of the conflict in the Zoning Ordinance and the Land Subdivision Regulations regarding the allowable “life” of a combined Final Development Plan/Preliminary Subdivision Plan would be eliminated with this proposed amendment.
2. The long-standing practice of allowing Improvement Plans to be filed within three years of the certification of a Preliminary Subdivision Plan would be replaced with the certainty of a statement in the Regulations allowing up to “five (5) years from the date of Commission action” on the plan. In most instances, this will allow project engineers 12-23 months longer than the past practice to perform this task.

Citizen Comment – There were no citizens present to comment on this proposal.

Action - A motion was made by Mr. Brewer, seconded by Ms. Richardson, and carried 10-0 (Drake absent) to approve SRA 2016-1: AMENDMENT TO ARTICLE 4-4(D)(1), as presented by the staff.