

- b. **SRA 2016-2: AMENDMENT TO ARTICLE(S) 2-3(B) AND 3-5(B)** - petition for a text amendment to the Land Subdivision Regulations to modify the limitations for these Minor Subdivision Plats by 1) reducing the acreage requirement for that plat (in most instances); and 2) to allow a Final Development Plan to substitute for a Final Record Plat, in terms of allowing development to proceed on such a property.

REQUESTED BY: Urban County Planning Commission

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

2-3(b) NON-BUILDING MINOR SUBDIVISION - Shall be primarily for the purpose of assisting developers in acquiring land for future urban subdividing without having, at this time, to meet the requirements for a major subdivision. Except for alteration to existing buildings, or except for construction allowed by a recorded Display House Minor Subdivision Plan or an approved Final Development Plan, no new building development shall be permitted for residential, commercial, or industrial activity. Whenever such new development is desired, the developer must submit a major subdivision or development plan or a Display House Minor Subdivision Plan. Each division resulting from a non-building minor subdivision plan shall be at least the minimum lot size of zoning classification for the property, or one (1) ten-(10) acres in size, whichever is greater.

3-5(b) NON-BUILDING PLANS - The following note shall be required to be placed upon the plan:

"The divisions created by this subdivision shall be used for non-building purposes. Except for alteration to existing buildings, no new construction shall be permitted for any residential or non-residential activity (except for that allowed for a portion of this property by the recording of a Display House Minor Subdivision Plan) unless and until a major subdivision or development plan is approved by the Planning Commission and recorded certified by the Commission's Secretary."

The Subdivision Committee made a recommendation of Approval.

The Staff Recommends: Approval, for the following reasons:

1. The proposed text amendment is a timely relaxation to the Land Subdivision Regulations regarding the process to "take down" an undeveloped parcel of land in advance of more routine development approvals by the Planning Commission.
2. These types of minor subdivision plats have been little used in recent years, due to their lot size limitations and the need for a follow-up Final Record Plat. These two changes to the requirements for Non-Building Plats should make it easier for developers to acquire and dispose of smaller tracts in advance of their development, without violating any provisions of the Zoning Ordinance relating to the minimum lot sizes in each zone.

Staff Presentation – Mr. Sallee directed the Commission's attention to the proposed text amendment to Article(s) 2-3(b) and 3-5(b) of the Land Subdivision Regulations regarding the allowable conditions for Non-building Minor Subdivision Plans. He said that there are two changes being proposed by this amendment to change the minimum lot size that are allowable for these types of minor plans. He then said that currently there is a 10-acre minimum for this type of plans and what the staff has seen over the past five to ten years is that these types of plats have rarely been proposed for as much as 10 acres. Because the larger tracts have been divided several times, the normal type and size of a "take down" plat has gone done, more in the range of 3 to 7 acres, over the past few years (Final Record Plats).

Mr. Sallee said that the staff is proposing a change to account for the greater lot size requirement by some of the agricultural zones. He explained that having a 10-acre tract is still below the minimum lot size requirement in some ag zones, and has created an unusual circumstance that did not exist 25 years ago. He said that one of the major changes the staff is proposing is to reduce the 10-acre requirement, in most circumstances to allow a non-building lot to be created with at least an acre in size unless the zoning of the property has a larger minimum lot size requirement. In this case, the larger of the two would be the minimum for a non-building plat, rather than a flat 10 acres across the board. He said that this would eliminate the possibility of someone believing that they could have a lot smaller than the minimum agricultural size lot, a required by the Zoning Ordinance, while still accommodating the recent trend that the staff is seeing for non-building plats.

Mr. Sallee then said that the staff is also proposing to allow a non-building plat, to not replace only with a Final Record Plat, but with either a Final Record Plat or a Final Development Plan. He then said that both the reason and the need for this change are primarily due to Infill and Redevelopment areas. He explained that it is very common now to not have another Final Record Plat for a property within the Infill Area, but it is common to see a Final Development Plan. He said that both of these types of plans have to be approved by the Planning Commission and both must comply with any associated conditions that were imposed with the Commission's approval. He then said that, from the staff's perspective, it is reasonable to allow either of these types of plans to be able to eliminate a non-building restriction on a lot.

Mr. Sallee said that the primary purpose for making these two changes at the same time is to attempt to eliminate or at least reduce the number of waiver requests that the Commission has been receiving for infrastructure construction. Based upon the staff's experience over the past few years, by making these changes, the number of waiver requests could be greatly reduced in the future. He then said the Subdivision Committee and staff are recommending approval of this amendment, for the following reasons:

1. The proposed text amendment is a timely relaxation to the Land Subdivision Regulations regarding the process to "take down" an undeveloped parcel of land in advance of more routine development approvals by the Planning Commission.

2. These types of minor subdivision plats have been little used in recent years, due to their lot size limitations and the need for a follow-up Final Record Plat. These two changes to the requirements for Non-Building Plats should make it easier for developers to acquire and dispose of smaller tracts in advance of their development, without violating any provisions of the Zoning Ordinance relating to the minimum lot sizes in each zone.

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

Action - A motion was made by Mr. Cravens, seconded by Ms. Plumlee, and carried 10-0 (Drake absent) to approve SRA 2016-2: AMENDMENT TO ARTICLE(S) 2-3(B) AND 3-5(B), as presented by the staff.