



## Legislation Details (With Text)

|                       |  |                      |              |
|-----------------------|--|----------------------|--------------|
| <b>File #:</b>        | 2019-0085  | <b>Status:</b>       | Approved     |
| <b>Type:</b>          | Ordinance  | <b>In control:</b>   | City Council |
| <b>File created:</b>  | 1/24/2019  | <b>Final action:</b> | 2/14/2019    |
| <b>On agenda:</b>     | 2/14/2019  |                      |              |
| <b>Title:</b>         | Consider an ordinance amending Zoning and Development Code, Chapter 10, Article V, Section 10-26, Code of Ordinances (2018 Edition), regarding Concept Plans. (First Reading)* |                      |              |
| <b>Sponsors:</b>      |  |                      |              |
| <b>Indexes:</b>       |  |                      |              |
| <b>Code sections:</b> |  |                      |              |
| <b>Attachments:</b>   | 1. Ordinance   |                      |              |

| Date      | Ver. | Action By    | Action                                     | Result |
|-----------|------|--------------|--|--------|
| 2/14/2019 | 1    | City Council | approve                                    | Pass   |
| 2/14/2019 | 1    | City Council | dispense with the second reading and adopt | Pass   |

Consider an ordinance amending Zoning and Development Code, Chapter 10, Article V, Section 10-26, Code of Ordinances (2018 Edition), regarding Concept Plans. (First Reading)\*

The revisions to the City's Code of Ordinances, creating the Zoning and Development Code, were published on October 1, 2018. Since that time, staff has identified changes which are intended to improve specific sections or to correct errors.

This change to *Section 10-26 - Concept plan* changes the conditions which require the submittal of a concept plan during the subdivision process. The current code requires that a concept plan be prepared: (1) when the property contains more than twenty acres; (2) when the development proposes to create a new street connection to a freeway, highway, or designated arterial roadway; or (3) when the property contains 1% annual chance floodplain. The revised code simplifies confusing language regarding the requirement that the property contain more than twenty acres and removes the requirement for a concept plan when the property contains 1% annual chance floodplain. This floodplain requirement is premature at this first step in the subdivision process. A flood study is required with the submittal of a preliminary plat, which follows a concept plan.

The revision presented to the Planning and Zoning Commission also included the removal of the public hearing requirement for approval of a Concept Plan. Staff had proposed that the requirement be removed because the Concept plan public hearing does not provide the opportunity for meaningful public comment, since the hearing is not related to the zoning of the property. Past concept plan public hearings have resulted in confusion and frustration for the citizens who attend because they tend to focus on the land use of the property.

As the first phase of the subdivision process, a concept plan is intended to provide only an overall view of the proposed subdivision. Since subdivisions are reviewed on solely objective standards, the public hearing is for informational purposes only, in contrast with zoning public hearings, for which public testimony can be a helpful part of the decision-making process. The commission discussed

the usefulness of the concept plan public hearing and made the decision not to eliminate it, as they felt that providing information and connecting the neighbors with the developer of the property provided a benefit.

The Planning and Zoning Commission conducted a public hearing and voted 8-0 to recommend approval of the amendment to Section 2-26 at their meeting on January 9, 2019. There were two speakers at the hearing: Ms. Jena Dubon, 2603 Chowan Way; and Mr. David Sour, 4232 Teravista Club Dr. Ms. Dubon expressed support to continue having a public hearing for concept plans and Mr. Sour stated that it might be more beneficial for anyone interested in learning more about a proposed development to meet with city staff instead of attending a public hearing.