

SUBJECT: Proposed text amendments §1429-12 Amendments to a Planned Development Concept Plan.

PURPOSE:

To obtain approval from the City Planning Commission (CPC) on text amendments related to the amendment process for a Concept Plan approved by the Planning Commission a Planned Development.

PROPOSED TEXT AMENDMENT:

§ 1429-12. Amendments to a Planned Development Concept Plan.

Concept Plans may be amended as follows:

- a) Minor Amendments. The Director of City Planning may approve minor amendments provided that they do not change building heights by more than 15 feet, floor area by more than five percent, decrease parking spaces by more than ten percent or allow buildings closer to the perimeter property lines.
- b) Major Amendments. Amendments to any Concept Plan other than a minor amendment must be approved by the City Planning Commission. Amendments that change the uses allowed or change the density of the development by more than ten percent require approval of Council as a zoning map amendment.

JUSTIFICATION:

The amendment process for Planned Development Concept Plans is not clear and consequently has resulted in inconsistent determinations. This amendment sets forth the requirements for amending a Concept Plan that has been approved by the City Planning Commission and City Council.

PUBLIC STAFF CONFERENCE:

A Public Staff Conference was held on February 13, 2008. The issue raised concerning this text amendment was that the height should also be a percentage instead of in actual feet. It was stated that 15 feet is one extra story and may be fine in larger buildings downtown, but an extra story can be a very significant change for smaller buildings. It is way too liberal without a proper hearing when the underlying zoning districts permit only 35 or 50 feet.

A recommendation was made to change the language under Minor Amendments from 15 feet to 10 percent when dealing with building heights. It was also recommended that the same change be made to § 1429-21 Final Development Plan Amendments in order to keep them consistent with each other.

RECOMMENDATION:

The City Planning Department staff agrees that the change from fifteen feet to ten percent makes sense and recommends that the City Planning Commission approve the text amendment as follows:

§ 1429-12. Amendments to a Planned Development Concept Plan.

Concept Plans may be amended as follows:

- a) **Minor Amendments.** The Director of City Planning may approve minor amendments provided that they do not change building heights by more than ten percent, floor area by more than five percent, decrease parking spaces by more than ten percent or allow buildings closer to the perimeter property lines.
- b) **Major Amendments.** Amendments to any Concept Plan other than a minor amendment must be approved by the City Planning Commission. Amendments that change the uses allowed or change the density of the development by more than ten percent require approval of Council as a zoning map amendment.

RESPECTFULLY SUBMITTED BY:

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REVIEWED BY:

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City Planning Department

1/10/08

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APPROVED:

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