

Craig, Sondra

From: Trane, Andrea
Sent: Wednesday, April 12, 2023 6:49 PM
To: ZZ Council Members
Cc: Craig, Sondra; Acklin, Tim
Subject: 23-0146 - Request for waiver of the City requirement for a subdivision plat and allowance of the substitution of a Certified Survey Map (CSM) in its place at 3102 Chestnut Place.

Dear Council Members,

I am sending an update on the above item following J&A's referral.

For background, the applicant submitted a rezoning application that was approved by the Council in January. That conditional rezoning stated "The property shall conditionally rezone upon the following conditions occurring within the next ninety (90) days: the applicant's CSM receives all final approvals from all appropriate governing bodies and/or officials within ninety (90) days."

The reason for having this be condition is that we do not support having multiple zonings on one parcel. Multiple zonings on one parcel can create confusion and ambiguity on development opportunities on the parcel. If the CSM is finalized and compliant with the rezoning application, it would not allow for issues created by having multiple zonings on one parcel. Prior to Council amending the request to add the 90 days, the applicant agreed to the 90 days as the deadline.

This April Council cycle would be compatible with the 90 days required. The applicant submitted a CSM and the item before you is to allow for the CSM to take the place of a subdivision plat. Planning and Engineering staff support this item.

Some of you may have received emails from the applicant asking me to change the 90 days to 270 days, which, to my understanding, is due to an agreement between the applicant and the current property owner and timing of when the CSM is recorded although we are following the process as documents were submitted. (The applicant is responsible for recording the CSM with the County and has 12 months to do so.)

I still recommend approval of the waiver and CSM as submitted by the applicant because we have not received a request from the applicant to withdraw this item and frankly, I am still confused why it would need to be withdrawn. I have explained the process to request it to be withdrawn and that has not been done. The applicant has been out of the country which has been difficult for communication being through email. Referral of this item would not allow for support and compliance with the 90 day requirement for the rezoning. The applicant would have the opportunity to reapply for a new rezoning applicant with a new deadline if needed.

Regards,
Andrea

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