



MEMORANDUM  
PLANNING COMMISSION REPORT

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**TO:** President, President Pro-Tem and Members of the City Council

**THROUGH:** Gary Suiter, City Manager

**FROM:** Planning Commission

**Through:** Tyler Gibbs, Director of Planning and Community Development

**DATE:** January 26<sup>th</sup> 2018

**RE:** Planning Commission Report

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**Policy Work Session & Public Hearing:** Planning Commission met on January 23rd, 2018 for a Policy work session. The following report summarizes this policy discussion in addition to further deliberation taking place as part of the public hearing agenda on January 25<sup>th</sup>, 2018.

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**Introduction:** Planning Commission considered '**Potential Processes for PC Final Authority**' under introduction and advisement from staff. The following summary of those deliberations reflects discussion of a list of SIX planning processes which might be considered for change regarding moving primary review from the Council to the Planning Commission.

**Overview / Principal Findings:**

- A. The general consensus was that for items 1-5 below, the Planning Commission is recommended to be the primary review authority. In summary, this list includes:
1. **Conditional Use process:** previously approved through the Development Plan process;
  2. **Conceptual Development Plan:** previously approved through the Development Plan process;
  3. **Development Plan-Public Hearing:** previously approved through development Plan and Final Development Plan processes;
  4. **Preliminary Plat:** includes those that include major variances and those exceeding threshold for administrative review;
  5. **Major Variances:** previously approved through the Development Plan process;
- B. The general consensus was that for the item below, the Planning Commission is NOT

recommended to be the primary review authority and the existing policy process should remain.

1. **Community Plan Amendment:** currently directed by the CDC, the Community Plan, and the City and County IGA processes.

## **Deliberation & Debate**

**The Request for Consideration from Council:** Discussion included the question of understanding the underlying rationale for the Council bringing this request for consideration to the Commission. Four reasons emerged and were used to consider each possible change:

1. The need to **speed up the process** for applicants;
2. The need to **lighten the Council agenda** where decisions might be made more expeditiously without sacrificing due diligence or public input into the process;
3. Given the very **small number of times the Council has overturned** the recommendations made by the Commission in these areas, it seems prudent to consider this request;
4. The **appeals process to City Council remains** as a check to the process.

Staff and Commission reviewed the list of 6 possible areas for change in review authority with the following issues receiving most scrutiny:

1. The **Variance process** was discussed and the degree of discretion and criteria to guide decision making was included;
2. **The Community Plan** received the greatest attention and opinion supporting maintaining the existing policy due to historical and community culture and the fact that it represents a long range and community vision aspect of planning;
3. **The Appeal and Call-Up** processes received attention due to the time involved and the fact that they remain as an important 'check-and-balance' for public review and input in the processes under consideration. Staff reminded Commission of the 10 day appeal period provision, published minutes, Channel 6 coverage of PC Meetings, and the 300 foot noticing provision as additional considerations supporting this 'check-and-balance';
4. **Increased Public Input at Planning Commission Meetings:** Changes under consideration will likely result in greater public involvement in the planning process at the Commission stage;
5. **Dedication of Right-of-Way in Preliminary Plat:** Situations in a Preliminary Plat process involving the vacation of a 'right-of-way' would stay with Council due to the fact of their needing an ordinance to change.

**Next Steps:** No vote was taken but 'next steps' was raised with Staff. Staff described the following possible pathway, assuming Council and Public Hearing steps move in agreement and expeditiously:

1. Place on Council agenda as a discussion item in early February;
2. If the Council moves this forward in the form it is being recommended it would then move to a 'draft amendment language' stage in February;
3. Public hearing stage could happen as early as early March;
4. Council would receive it back with early April being the earliest possible effective date.

Respectfully submitted  
Martyn Kingston