



Agenda Item 5B

PUBLIC HEARING

Site Plan Review Regulations

Text Amendment

Report to the
City of De Soto Planning Commission
March 23, 2007

Agenda Item:	Public hearing to consider text amendment to Article 11 of Zoning Regulations and Article 14 of the Procedures Manual regarding applicability of site plan review.
Meeting Date:	March 27 th , 2007
Report Prepared By:	Kim Buttrum, AICP, City Planner
Associated Materials:	Exhibit A: Planning Commission meeting minutes Exhibit B: Zoning Regulations Article 11 and Procedures Manual Article 14

I. Background

Engineered Air recently expanded its 90,000 square foot facility by an additional 30,000 square feet, an increase of a third of the original footprint. Site Plan approval was not required by the City; the regulations do not require one if the expansion does not exceed 50% of the current size. There has been discussion between staff and the Commission that so large of an expansion should have received oversight from the City beyond normal building permit approval. Staff brought the issue before the Commission at their February 27th meeting as a potential text amendment. Commissioners agreed to decrease this site plan trigger to 25%, with staff requiring site plans on lesser expansions at their discretion. Meeting minutes are attached as *Exhibit A*.

A separate but related issue has arisen with which site plans are reviewed by the Site Plan Review Committee. The regulations are written that all site plan review applications must be reviewed and given recommendation by the Committee. There have been applications that have gone directly to the Planning Commission, based upon determination by staff. A list of all site plans, chronologically since January of 2005, and their review process follows on the next page.



Site Plan Review Committee

Wildcat Carwash 11/06
The Commons 3/06
Lumber One 2/06
FCB Bank 12/05
De Soto Self Storage 10/05
TJ Development 7/05
Blacktop Paving 6/05

Planning Commission Only

Intervet expansion 1/07
Powers Construction SUP 11/06
FCB Bank amendment 7/06
Beer 30 SUP amendment 7/06
Zimmerman SUP 2/05

II. Site Plan Applicability

Copies of applicable sections of the Zoning Regulations and Procedures Manual are attached as *Exhibit B*. The amendment would delete the second half of the sentence in bold on pages 11-1 and 61, as follows:

Applicability: The Planning and Zoning Department shall require that all applications for building permits for developments in the multifamily, commercial and industrial zoning districts be subject to Site Plan Review in accordance with these regulations, and for redevelopments in the following circumstances: if the redevelopment enlarges the size of the original structure by more than ~~50~~ 25 percent in the case of a renovation or alteration. Additionally redevelopments that enlarge the size of the original structure by 25 percent or less may be subject to Site Plan Review if staff determines that the redevelopment may trigger any of the concerns listed in Section 1 of Article 11 of the Zoning Regulations.

Staff also wishes to broaden the non-residential developments specified in the second line of these sections to include all but the single family and duplex residential uses, as follows:

Applicability: The Planning and Zoning Department shall require that all applications for building permits for ~~any developments~~ other than detached single family and duplex residences or associated accessory structures, unless otherwise required by Section 3 of Article 5 of these regulations, ~~in the multifamily, commercial and industrial zoning districts~~ be subject to Site Plan Review in accordance with these regulations...

III. Site Plan Review Committee

The regulations call for all site plan applications to go before the Site Plan Review Committee, currently comprised of Toni Caldwell, Mark Crumbaker, Mary Guntert, and two Commissioners. Staff has admittedly not abided by this section of the ordinance on five occasions, listed above. Our reasons for doing so were primarily because of the nature of the project as it related to the scope of the Committee's responsibilities. The Committee, who are volunteers appointed by the Mayor, meet on an as-needed basis. The regulations specify that the Committee is to make recommendation to the Commission based primarily on the more subjective elements of the regulations: site layout and architectural design.



Staff does not currently have the authority to bypass the Committee's review process. The following text would grant that authority:

From the Zoning Regulations:

Following application submittal, site plan reviews shall be performed by the Site Plan Review Committee and City Staff. Following review, a recommendation of the committee and staff shall be submitted to the Planning Commission for consideration and action. *As determined by staff, some Site Plan applications may be forwarded to the Planning Commission without review and recommendation by the Site Plan Review Committee. This determination shall be based upon a finding that the scale or intensity of the development does not merit Committee review. The written finding and explanation will be provided to the Planning Commission prior to its consideration of the site plan. The Planning Commission shall have the right to direct the site plan to the Site Plan Review Committee notwithstanding staff's written finding and explanation.*

From the Procedures Manual:

The Site Plan Review Committee shall review the plan for adherence to the Subdivision Regulations, particularly regarding elements of site layout and architectural design. The Site Plan Review Committee shall forward their recommendations to the Planning Commission. *As determined by staff, some Site Plan applications may be forwarded to the Planning Commission without review and recommendation by the Site Plan Review Committee. This determination shall be based upon a finding that the scale or intensity of the development does not merit Committee review. The written finding and explanation will be provided to the Planning Commission prior to its consideration of the site plan. The Planning Commission shall have the right to direct the site plan to the Site Plan Review Committee notwithstanding staff's written finding and explanation.*

Staff has contacted members of the Site Plan Review Committee about the text amendment. They have been given copies of the staff report and meeting minutes, and asked for their input into the issue. To date, staff has heard back from Mary Guntert, who does not have a problem with the revisions. Staff will try to bring forward any comments from Toni Caldwell and Mark Crumbaker at the meeting Tuesday evening.

City Attorney Patrick Reavey has reviewed the item and suggested revisions, now included in the text above and in *Exhibit B*. He recommends that the Planning Commission have the opportunity to send applications to the Site Plan Review Committee regardless of staff's determination.

IV. Conclusions and Recommendations

Staff advises that, following the public hearing, the Commission recommend approval of the proposed amendments attached as *Exhibit B*.

End of Report - Exhibits to Follow