

O-35-17 Revisions to Development Review
_____ Proposed Amendment
_____, 2017

Amendment 1:

Page 3, Lines 14-16, and Page 5, Lines 42-45: Clarify process associated with a meeting attendee's response summary.

As amended:

Page 3, Lines 14-16:

ANYONE ATTENDING THE COMMUNITY MEETING MAY SUBMIT TO THE PLANNING AND ZONING DIRECTOR A WRITTEN RESPONSE TO THE SUBDIVIDER'S MEETING SUMMARY, WHICH SHALL ALSO BE SUBMITTED WITH THE APPLICATION RESPONSE THE PLANNING AND ZONING DIRECTOR SHALL INCLUDE WITHIN THE APPLICATION FILE.

Page 5, Lines 42-45:

ANYONE ATTENDING THE COMMUNITY MEETING MAY SUBMIT TO THE PLANNING AND ZONING DIRECTOR A WRITTEN RESPONSE TO THE PROSPECTIVE APPLICANT'S SUMMARY, WHICH SHALL ALSO BE SUBMITTED WITH THE APPLICATION RESPONSE THE PLANNING AND ZONING DIRECTOR SHALL INCLUDE WITHIN THE APPLICATION FILE.

Rationale:

An attendee at a community meeting will submit a written response to the Planning Director, and the Planning Director will insure that the response is included within the associated application file.

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Amendment 2:

Page 8, Lines 4-18: Set forth that the Department of Planning and Zoning will provide to the applicant certain contact information to ensure that adequate notice is sent by the applicant to interested persons.

As amended:

- d. THE PRESIDENT OR OTHER PERSON IN A POSITION OF AUTHORITY OF EACH HOMEOWNERS ASSOCIATION, COMMUNITY ASSOCIATION, CONDOMINIUM ASSOCIATION, RESIDENT ASSOCIATION, AND BUSINESS ASSOCIATION FUNCTIONING WITHIN GEOGRAPHICAL PROXIMITY TO THE PROPOSED DEVELOPMENT, WHICH LIST OF ASSOCIATIONS SHALL BE PROVIDED BY THE DEPARTMENT OF PLANNING AND ZONING TO THE APPLICANT, SUCH THAT THE PERSONS REPRESENTED BY THE ASSOCIATION POTENTIALLY COULD BE AFFECTED BY THE PROPOSED DEVELOPMENT,
- e. ALL PERSONS WHO HAVE SPOKEN OR PROVIDED WRITTEN COMMENTS AT A COMMUNITY MEETING, PUBLIC MEETING, OR PUBLIC HEARING THAT HAS OCCURRED REGARDING THE APPLICATION, WHICH LIST OF PERSONS, WITH THE EXCEPTION OF THE SPEAKERS AT THE APPLICANT-LED COMMUNITY MEETING, SHALL BE PROVIDED BY THE DEPARTMENT OF PLANNING AND ZONING TO THE APPLICANT, AND
- f. ALL PERSONS, OTHER THAN CITY STAFF, WHO HAVE PROVIDED WRITTEN COMMENTS TO THE DEPARTMENT OF PLANNING AND ZONING REGARDING THE APPLICATION, WHICH LIST OF PERSONS SHALL BE PROVIDED BY THE DEPARTMENT OF PLANNING AND ZONING TO THE APPLICANT.

Rationale:

The Department of Planning and Zoning will have the required contact information and must provide it to the applicant to ensure that adequate notice can be provided by the applicant.

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Amendment 3:

Pages 9-12, from Page 9, Line 27 through Page 12, Line 11: Require that the Planning Director hold a public meeting on major site design plan review applications and keep decision-making authority on such applications with the Planning Director rather than shifting it to the Planning Commission.

As amended:

[Make the following amendments in the chart beginning on Page 9, at Line 27, in the row shown below, which row appears on Page 10:]

Major Site Design Plan	<u>Optional</u> PM	<u>PH</u>				<u>PM</u>
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[Make the following amendments beginning on Page 10, Line 4, through Page 12, Line 11:]

Chapter 21.22 - SITE DESIGN PLAN REVIEW

Section 21.22.060 - Procedures for major site design plan applications.

- A. Application Procedures. Applications for major site design plan review shall be decided by the Director of Planning and Zoning ~~REFERRED TO THE Director of Planning and Zoning PLANNING COMMISSION FOR A PUBLIC HEARING.~~ All SUCH applications for major site design plan review SHALL COMPLY must be submitted in accordance with AND SHALL COMPLY WITH the requirements of Section 21.10.010 Common Procedures for Review of Applications, including a pre-application conference with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010(A) AND A COMMUNITY MEETING IN ACCORDANCE WITH SECTION 21.10.010(B).
- B. Review Procedures for Major Site Design Plan Applications. In the review and decision of major site design review applications, the following procedures shall apply:
 - 1. Review of Preliminary or Final Site Design Plan. The Planning and Zoning Director will review any required preliminary plan submitted in connection with major site design plan applications. The Planning and Zoning Director will respond to the applicant with written comments on the preliminary plan within thirty days of the determination of completeness of the submission.

2. Staff Review. The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the preliminary plan or final plan to appropriate City departments for review. Within fifteen days of receipt of any preliminary or final major site design plan, any City department reviewing the application will prepare a staff report on the application and transmit the staff report to the Director of Planning and Zoning.
3. Posting of Property. Notice must be posted on the property that is the subject of the application in accordance with the requirements in Section 21.10.020(A).
4. ~~Optional~~ Public Meeting on Preliminary or Final Plan. ~~The If the Planning and Zoning Director deems necessary, the The Planning and Zoning Director may SHALL hold a public meeting for the review of the preliminary or final site design plan; or may recommend to the Planning Commission that the Planning Commission hold a public meeting on the preliminary or final site design plan IF HE FINDS THAT IT IS IN THE PUBLIC INTEREST TO DO SO; or may recommend to the Planning Commission that the Planning Commission hold a public meeting on the preliminary or final site design plan. PRIOR TO THE PUBLIC MEETING, THE PLANNING AND ZONING DIRECTOR, OR THE PLANNING COMMISSION IN THE EVENT OF A REFERRAL, MAY HOLD A WORK SESSION IF IT IS DETERMINED THAT IT HE FINDS THAT IT IS IN THE PUBLIC INTEREST TO DO SO OR IF HE FINDS THAT IT WILL ASSIST THE PLANNING AND ZONING DEPARTMENT, OR THE PLANNING COMMISSION IN THE EVENT OF A REFERRAL, IN ITS REVIEW OF THE APPLICATION. THE PLANNING COMMISSION MAY HOLD A WORK SESSION PRIOR TO A PUBLIC HEARING ON AN APPLICATION IF THE CHAIRPERSON OF THE PLANNING COMMISSION DEEMS IT NECESSARY TO ASSIST IT IN ITS UNDERSTANDING OF THE APPLICATION.~~ Notice of the A public meeting OR WORK SESSION SHALL ~~must~~ be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020(D) ~~IN ACCORDANCE WITH Section 21.10.020(D).~~
5. ~~PUBLIC HEARING. THE PLANNING COMMISSION SHALL SCHEDULE AND HOLD A PUBLIC HEARING ON THE COMPLETE PRELIMINARY OR FINAL SITE DESIGN PLAN. THE APPLICANT SHALL GIVE NOTICE OF THE HEARING IN ACCORDANCE WITH THE NOTICE REQUIREMENTS OF SECTION 21.10.020(B) AND 21.10.020(C) AND ANY OTHER REQUIREMENTS ESTABLISHED BY THE PLANNING COMMISSION.~~
565. Review and Decision on Preliminary or Final Plan. ~~THE PLANNING AND ZONING DIRECTOR SHALL REVIEW, APPROVE, APPROVE SUBJECT TO MODIFICATIONS OR DISAPPROVE A PRELIMINARY SITE DESIGN PLAN WITHIN THIRTY DAYS FROM THE DATE OF THE CLOSE OF THE PUBLIC MEETING ON THE APPLICATION, AND SHALL REVIEW, APPROVE, APPROVE SUBJECT TO MODIFICATIONS OR DISAPPROVE A FINAL SITE DESIGN PLAN PRIOR TO ISSUANCE OF A GRADING PERMIT FOR THE PROJECT. The Planning and Zoning Director shall review, approve, approve subject to modifications or disapprove the preliminary or final site design plan within thirty days from the date of the close of any~~

~~public meeting on the application; or if no public meeting is held, within thirty days of the determination of completeness of the preliminary or final major site design plan application. ANY STAFF REPORTS RECEIVED BY THE PLANNING COMMISSION SHALL BE CONSIDERED AT THE PUBLIC HEARING. WITHIN 45 DAYS AFTER THE CONCLUSION OF THE PUBLIC HEARING, THE PLANNING COMMISSION SHALL DECIDE TO: (1) APPROVE THE APPLICATION; (2) APPROVE THE APPLICATION SUBJECT TO SPECIFIC CONDITIONS; OR (3) DENY THE APPLICATION, AND ISSUE A WRITTEN OPINION CONTAINING FINDINGS AND CONCLUSIONS.~~

~~676.~~ Notice of Decision. The Planning and Zoning Director shall give notice of the decision in accordance with the requirements set forth in Section 21.10.020(E).

Rationale:

The Department of Planning and Zoning is staffed by planning professionals who are experts in their fields. The City's volunteer boards and commissions are valuable resources and serve in many review and decision making capacities. For example, the Board of Appeals – comprised of lay volunteers – decides special exception applications and variance applications. The Planning Commission – also an entity comprised of lay volunteers – decides planned development applications and subdivision applications, plays a central role in developing the City's comprehensive plan, and reviews all City Council legislation that might impact zoning or subdivision regulations. The Planning Commission meets only twice a month, for a few hours in the evening, and its agendas are often crowded. To subject all major site design applications to a public hearing before the Planning Commission would further burden the Planning Commission's workload, would subject applicants to longer administrative review times, and would remove decision making authority from the City's experienced planning staff. The Department of Planning and Zoning – comprised of talented employees of the City – should retain authority to decide major site design plan review applications.

Amendment 4:

Page 14, Lines 7-9: Add provision that projects for which certain development applications have already been filed with the City by the time of the passage of the Ordinance shall not be subject to the requirements set forth in the bill.

As amended:

Page 14, Lines 7-9:

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the date of its passage and it shall apply to all applicable development proposals that shall subsequently be filed under Title 20 and/or Title 21 regulations, and it shall not apply to pending development proposals for which an initial development application has been filed under Title 20 and/or Title 21 regulations on or before the date of this Ordinance's passage so that such pending development proposals shall be required to comply with the laws of Title 20 and/or Title 21 that were effective immediately prior to the date of this Ordinance's passage.

Rationale:

Projects are pending at the City pursuant to development applications filed previously that represent months to years of effort: work with City staff, engineering and architectural fees, financial obligations, etc. To change the rules for these projects abruptly toward the end of the review process would be difficult for owners to absorb and would communicate that the City does not fairly value their efforts.