

R-24-16

Update on Rocky Gorge Planned Development

9/21/16

The Office of Law and the Planning and Zoning department have a recent understanding with the developer pertaining to the existing Rocky Gorge planned development approval, which involves two of the parcels noted in R-24-16. There is no public facilities agreement governing the Rocky Gorge planned development, which was approved prior to the enactment of the requirement for such an agreement. However, the Rocky Gorge planned development approval will return to the Planning Commission at a later date. The reason is that the developer has filed an application for a major modification of the planned development approval. The modification sought has to do with a proposal to allow access in and out of the planned development directly onto Forest Drive. (The Council passed has previously passed resolution to amend the original annexation resolution which has led to the application). Currently, because of the the abandonment of the construction of a proposed relief road, which would have been adjacent to the planned development and permitted alternate access, the only proposed access in and out of the Rocky Gorge planned development now would be through the adjacent subdivision of Oxford Landing.

The application for a major modification of the planned development requires approval of the Planning Commission after a public hearing. The application for modification is treated as a new application. At the public hearing where members of the general public may comment and support or oppose the application, the developer will present evidence addressing all six planned development review criteria, as it did when the Rocky Gorge planned development, years ago, went before the Board of Appeals (the Board of Appeals was then hearing planned development applications). The developer will have the burden to prove that the planned development would still meet all review criteria if the Forest Drive access is approved. If it is approved, it would be approved subject to conditions imposed by the Planning Commission. Such conditions could, in the discretion of the Planning Commission, entail matters that are typically addressed in public facilities agreements. The public hearing on the major modification application will be posted in the usual manner when the public hearing is scheduled. The application is currently in departmental review.

Prepared by Gary M. Elson, Acting City Attorney