Land Use Plan Amendment

Facts to Know

RELATED FACTS TO KNOW:

Pre-Application Meeting, Neighborhood Meeting, Annexation, Zone Change, Development Plan, and Helpful Contact Information.

INTRODUCTION:

Amendments may be requested to change Future Land Use Plan designations. Land Use Plan Amendments are processed when a change in the City's Comprehensive Plan is proposed to allow a desired use of a property that is not allowed under the current land use zone for the property. **There are two types of amendments: Major and Minor (properties that are fewer than 8-acres in size).**

GENERAL TIMEFRAME:

- ❒ The length of time to process a land use plan amendment can vary depending on the complexity of the request, or if there are unique circumstances. Amendments are often complex applications that require comprehensive review by staff. However, they can generally be processed in the following timeframe:

  - ➔ Major Land Use Plan Amendments: **12 months**

  - ➔ Minor Land Use Plan Amendments: **6 months**

- ❒ In order to maximize the efficient processing of an application, **it is in the applicant's best interest to ensure that a complete and thorough application has been submitted** and that any subsequent submittals adequately address comments that were provided.

- ❒ **No building permit may be submitted for review until all development review applications have been approved.**

GENERAL NOTES:

- ❒ Plan Amendments may also involve minor changes to the Future Land Use Plan map or text to correct errors, which may occur administratively.

- ❒ Minor Land Use Plan Amendments apply to properties that are fewer than 8 acres in size, including small minor changes to the map. Minor Amendments cannot include a change to the goals, objectives, policies, or text of the Comprehensive Plan, unless the text amendment(s) are directly related to the Minor Land Use Plan Amendments.

- ❒ All Major Plan Amendments shall be considered by the Planning Commission and City Council.

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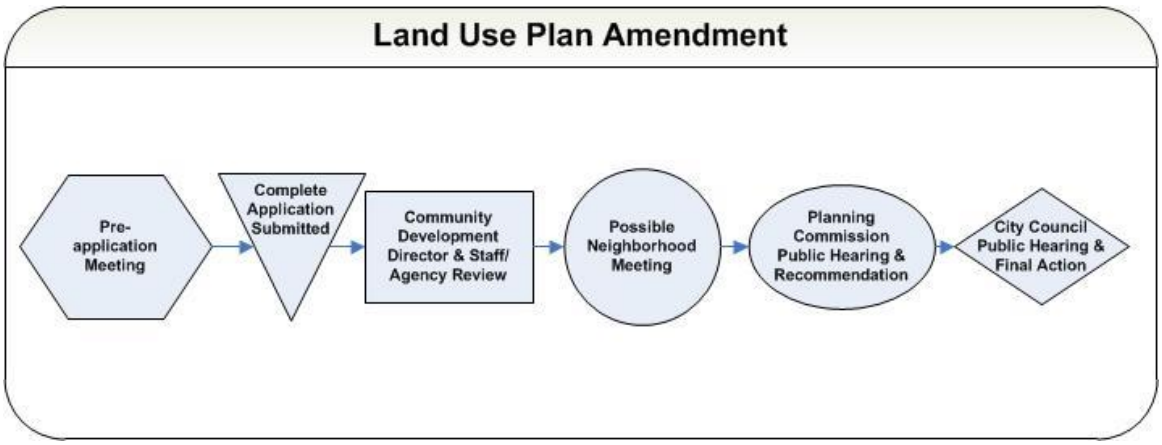
- ❒ Review:
  - ➔ Based on its consideration of the recommendations from staff, Planning Commission, and evidence from public hearings, the City Council could then adopt the Major Plan Amendment (with or without further revisions), or reject it.
- ❒ Minor Plan Amendments shall be considered by the Community Development Director, who reserves the option to have the proposed Plan Amendment considered by the Planning Commission and City Council.
- ❒ Occasionally, the city may require a neighborhood meeting when it appears that an application may have impacts to the surrounding area.
- ❒ Substantive plan amendment may occur upon request by a landowner and/or reviewed as part of the periodic amendment schedule.

LAND USE PLAN AMENDMENT REVIEW FLOWCHART:



REVIEW PROCESS:

- ❒ A request for a Land Use Plan Amendment is usually initiated by the property owner or a qualified representative following the Pre-Application process.
- ❒ A complete application is submitted for city review.
  - ➔ At the time of submittal, staff will determine if the application is complete **(incomplete applications will not be accepted and will be returned without review).**
  - ➔ The city will refer the application to various city departments and outside organizations for review and comment.

- ➔ After a review period of roughly three weeks, the case will be discussed at the internal Development Review Team (DRT) meeting. After the DRT meeting, the applicant will receive a comment letter that identifies necessary revisions and questions to be answered.

- ➔ The applicant will address these revisions and resubmit to the city for an additional review cycle of approximately two weeks. The need for subsequent resubmittals may continue until all comments are resolved and the application is ready for either of the following:

  - Major Amendments will proceed to the public hearing process (generally, an application needs to be ready for public hearing about half-way through the month before it is heard by the Planning Commission).

  - Minor Amendments will be considered by the Community Development Director for approval.

- ❒ Once a Major Amendment application is ready for public hearing, but prior to the hearing, the property will be posted with a sign for 7 to 10 days, a public hearing notice will be placed in the newspaper, and neighbors will be notified in writing of the request. This process will occur for both Planning Commission and City Council hearings.

- ❒ A Major Land Use Plan Amendment application is required to have two public hearings. The first public hearing will take place before the Planning Commission, who will make a recommendation to the City Council as to whether to approve, approve with conditions, or deny the application. The ultimate approval or denial of a land use plan amendment application is determined by the City Council at a public hearing the month following the Planning Commission hearing. If approved, one additional City Council meeting is required for a second reading of the ordinance.

- ❒ The final approval or denial of a height exception is determined by the Board of Adjustment at a public hearing.

  - ➔ The Planning Commission meets on the 1st Tuesday of every month in the City Council Chambers located at 7887 East 60th Avenue and the meetings begin at 6 p.m.

  - ➔ The City Council hears land use cases on the 1st Monday of every month in the City Council Chambers located at 7887 East 60th Avenue and the meetings begin at 6 p.m.

LAND USE PLAN AMENDMENT APPROVAL CRITERIA:

1. The plan amendment corrects a minor technical mistake; or

2. The plan amendment meets all of the following:

   a) It is consistent with the overall intent of the Comprehensive Plan;

   b) The existing Plan and/or any related element thereof is in need of the proposed amendment;

   c) It is necessary or desirable because of changing social values, new planning concepts, or other social or economic conditions and strict adherence to the Plan will result in a situation neither intended nor in keeping with other key elements and policies of the plan;

d) The proposed amendment will not have a negative effect on the immediate areas or on transportation, services, and facilities;

e) The proposed amendment will have minimal effect on service provision, including adequacy or availability of urban facilities and services, and is compatible with existing and planned service provision and future development of the area;

f) The proposed amendment, if for an area that is outside of the city's current municipal boundaries, is consistent with the city's ability to annex the property; and

g) The proposed plan amendment will promote the public health, safety, and general welfare of the people of the city and will be consistent with the goals and policies of this Plan and the elements thereof.

SUBMITTAL REQUIREMENTS:

Please note that incomplete submittals will not be accepted for review. Any inaccurate or incomplete information provided by the applicant may cause the application to be returned to the applicant and/or delay review cycles which may impact the case completion time frame. Please visit c3gov.com/etrakit for complete information for submitting for this application type. The following items will need to be included in your submittal package.

- ❒ Property Owner Authorization and applicable non-refundable fee.
- ❒ General warranty deed, with a complete legal description (often times in the form of Exhibit "A," attached to the warranty deed) for the property or properties for which the application is made.
- ❒ Certified boundary survey for the property or properties for which application is made (if required by city staff).
- ❒ Exhibits in map form clearly showing the existing zoning, comprehensive plan categories, and acreages along with the proposed amendments.
- ❒ Land Use Amendment Narrative Questionnaire (found on subsequent pages).
- ❒ A development plan and/or a concept plan must be submitted with all applications. Please see the Facts to Know for Development Plan for required information.
- ❒ City staff may require additional information or technical studies such as drainage studies, construction plans, address plats, environmental assessments, transportation capacity analysis, school capacity, and development agreements. To assure that your application is complete, please check with city staff prior to submitting your application.
- ❒ Additionally, the Planning Commission or City Council may request from the applicant additional information or technical studies such as traffic studies, drainage studies, etc.

NARRATIVE QUESTIONNAIRE

LAND USE PLAN/MAP AMENDMENT QUESTIONNAIRE

A.	General Property Information:	
1.	Property Address or Parcel Identification Number (PIN):	
2.	Applicant's Name:	
3.	Property Owner's Name:	
4.	Current Zoning of the Subject Property:	

B.	Land Use Identification:		
Residential (Specify Type)		**Non-Residential (Specify Type)**	
Existing Future Land Use		Existing Future Land Use	
Existing Use		Existing Use	
Acres/Number of Units		Acres/Square Feet	
Requested Future Land Use		Requested Future Land Use	
Number of Proposed Units		Maximum Square Footage	
Existing Zoning		Existing Zoning	
Proposed Zoning		Proposed Zoning	

Adjacent Future Land Uses	**N:**	
(For example, "Commercial")	**E:**	
	W:	
	S:	
Adjacent Land Uses	**N:**	
(For example, "School")	**E:**	
	W:	
	S:	

C.	**Specific Details** *(Be specific! Do not answer just 'Yes' or 'No.' Applicants should explain in detail the nature of the request and why the proposal is justified (e.g., how it meets the required approval criteria listed on page #3. Prior to being determined a complete application, clear justification statements must accompany amendment requests. If you have any questions, please ask for assistance.)*
1.	**What is the purpose of your proposed amendment?** (Describe, in general terms, what the proposed amendment is intended to accomplish.)

2.	**Describe the desired Comprehensive Plan map designation as it relates to the property.**

3.	**Describe what type of development is envisioned for the property proposed for change:**

4.	**Describe the desired future zoning for the property:**

5.	**How will your proposal affect transportation, services, and facilities? (**Describe how the property is currently served, or is planned to be served, by roads and other applicable transportation systems like bus, bicycle, or pedestrian (attach copies of documents from service providers regarding available or planned services, if any).

6.	**How will your proposal affect any utility service systems?** (Describe how the property is, or is planned to be, served by sewer and water (attach copies of documents from service providers regarding available or planned services, if any).

7.	**If your proposal would create pressure to change the designations of other properties, describe how these changes would be in the best interest of the neighborhood, city, and region:**

8.	**How will your proposal benefit the community?**

9.	**How does your proposal support the goals, objectives, and policies of the Comprehensive Plan?**

10.	**Is your proposal based upon changing social values, new planning concepts, or other social or economic conditions that have changed since adoption of the Comprehensive Plan or any subsequent amendments?** ☐ **Yes** ☐ **No** If 'Yes,' describe what new information or changed circumstances should be considered:

11.	**How will your proposal affect the following elements of the Comprehensive Plan? (**Describe both positive and negative impacts and any measures you are taking to mitigate negative impacts**):**

➢ **Housing:**	

➢ **Parks:**	

➢ **Environmental Features:**	

12.	**How does the proposed amendment meet a definable public need?**

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