



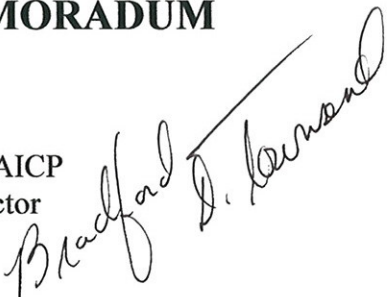
## MEMORADUM

To: Mayor and City Council

From: Bradford D. Townsend, AICP  
Planning & Zoning Director

Date: February 23, 2010

Subject: Responses to Planning Commission recommendation dealing with  
Text Amendment RZ09-18



---

The Planning Commission reviewed and recommended approval of the RZ09-18 Text Amendment regarding revisions to the public notice requirements for rezonings and other applications.

At first reading on February 8, 2010 the Mayor and City Council reviewed the Planning Commission changes and at that time a staff response to each of the recommended changes was not provided. Staff's responses will be italicized after each one of the recommended Planning Commission comments.

1. Section 2 – Thirty (30) days, the number of days should be consistent for all items.  
*Recommended not to change and should remain thirty days. This section of the code deals with appeals of decisions from the Design Review Board and provides adequate time frame for anyone aggrieved by the decision of the Design Review Board to appeal to City Council.*
2. Section 2 – Should the fee be refunded if the applicant is successful with an appeal?  
*Staff does not recommend changing this as a refund to an applicant, maybe handled by the Mayor and City Council as an individual item heard in front of them.*
3. Section 2 – The city shall fix a “reasonable time” for the hearing of the appeal.  
*No recommended staff change, as staff currently provides and informs surrounding property owners of an application being processed for review for a Design Review Board Appeal.*

4. Section 3 – The current code states the “Historic Preservation Commission” is to take action.  
*Staff is recommending “Historic Preservation Commission” be changed to zoning staff.*
5. Section 3 – affected materially  
*Staff would recommend no changes to the existing language because it represents the intent of the current code. .*
6. Section 5 – Thirty (30) days.  
*Staff recommends no changes to the current timeframe as thirty (30) days is the standard timeframe allowed for an applicant to appeal.*
7. Section 7 – Thirty-five (35) days.  
*Staff would recommend no changes to the thirty-five (35) days. The board does not have a secretary – this should be zoning staff administrative assistant. Staff would recommend striking board secretary and replacing it with zoning staff in the first and third paragraph.*
8. Section 7 – The board shall render a decision within thirty-two (32) days.  
*Staff would recommend no changes as this provides an additional couple of days to meet administrative appeal proceedings.*
9. Section 7 – Any appeal received and all papers constituting the record relating to the action appealed shall forthwith be transmitted.  
*Staff would recommend rewording the first sentence in Section 7 to read more appropriately. Also recommend changing.*

I apologize for the incompleteness of the staff recommendations at the time of the first reading to the Mayor and City Council. Staff would recommend approval of RZ09-18 Text Amendment regarding revisions to the public notice requirements for rezonings and other applications on second reading with the changes approved by Mayor and City Council at first reading on February 8, 2010.