



AGENDA MEMORANDUM

Public Hearing for the Planning Commission Meeting of March 31, 2021

DATE: March 24, 2021

TO: Al Raymond, Director of Development Services

FROM: Mark Orozco, Engineering Associate, Development Services
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**Appeal from a Staff Determination of Plat Expiration
as a Result of Insufficient Progress on Construction of Improvements
Violet Road RV Resort- Final Plat (19PL1011)**

REQUEST:

The applicant is appealing a Staff determination that the Violet Road RV Resort- Final Plat (19PL1011) has expired as a result of insufficient progress on construction of improvements. If Planning Commission approves appeal this will extend the plat to 5-1-2021. This represents a 6-month extension from 11-1-2020 being the 3rd extension.

BACKGROUND:

The final plat expired on 11-1-2020. An expired plat must be resubmitted to Development Services for processing as a new plat. No request for a time extension was made prior to the expiration date. A second extension was granted by Planning Commission on 4-29-2020 extending the plat to 11-1-2020. The UDC provides that a plat expiration may be appealed to Planning Commission within 30 days of notification of a plat expiration.

The applicant asserts the following:

- Due to setbacks caused from the COVID19 pandemic, many of the contractors and engineers were unable to safely meet the previous extension.
- The applicant states that they have been able to move forward on this project and are ready to break ground.

Zoning: The plat is zoned RV that is, Recreational Vehicle Park. The RV rezoning was enacted by Ordinance Number 031482 on July 24, 2018.

Timeline: A timeline of events relevant to this request is summarized below:

Event	Date
Plat Application Received	2-6-2019
Planning Commission Plat Approval Date	5-1-2019
Letter sent to applicant and consultant, informing of 6-month Expiration Date of Approved Plat on 3/20/2018	5-3-2019
6-Month Expiration Date of Approved Plat ⁽¹⁾ This is the deadline to satisfy <u>ONE</u> of the following: (i) have improvements ⁽²⁾ in place, and record the plat, <u>OR</u> ; (ii) initiate construction of improvements and have substantial progress continue, <u>OR</u> (iii) provide a financial guarantee to the City for improvements construction).	11-1-2019
Applicant's Consultant Communicates with City Staff and request a Plat Extension	10-17-2019
1 st Plat Extension approved by Planning Commission	10-30-2019
6-Month Extension of Expiration Date of Approved Plat	5-1-2020
Applicant's Consultant Communicates with City Staff and request a 2 nd Plat Extension	3-27-2020
2 nd Plat Extension approved by Planning Commission	4-29-2020
6-Month Extension of Expiration Date of Approved Plat	11-1-2020
Plat expired	11-1-2020
Contractor requests permit and is informed plat has expired	3-23-2021
Applicant Submits Request for Appeal of Staff Determination of Plat Expiration	3-23-2021

Notes:

- (1) Plat Expiration is discussed in Unified Development Code (UDC) Section 3.8.5.F (for Final Plats) and UDC Section 3.11.5 (for Replats without Vacation).
- (2) "Improvements" are: A. Streets (including but not limited to pavement, curb and gutter, and sidewalks); B. Water system; C. Wastewater system; D. Storm water system; E. Public open space; and F. Permanent monument markers. (UDC Section 8.1.4).

Plat Expiration per UDC Section 3.8.5.F. The requirements regarding plat expiration per UDC Section 3.8.5.F (Final Plat Expiration) are stated in the table below, with Staff findings for each provision:

UDC Section 3.8.5.F Requirements	Staff Finding
1. If improvements are not in place or construction initiated on said improvements within six months of such plat approval, the final plat shall expire, unless the improvements are secured by a developer's financial guarantee.	Improvements are not in place. Construction is not initiated. Complete construction plans were submitted and approved by the deadline (per UDC Section 8.1.4). Release Letter authorizing initiation of construction was issued by Staff on April 9, 2020. Staff has not received a developer's financial guarantee.
2. A final plat shall not expire if construction has been initiated and substantial progress continues toward completion of the improvements.	Construction has not been initiated. Substantial progress is neither initiated nor continuing.
3. A determination that a plat has expired as a result of insufficient progress may be appealed to the Planning Commission within 30 days of notification that the plat has expired.	Plat has expired as a result of insufficient progress. Applicant's appeal of this determination was not submitted timely within 30 days of notification that the plat has expired.
4. An expired plat must be resubmitted to Development Services for processing as a new plat.	Because the plat has expired, applicant must resubmit a new plat to Development Services.
5. The applicant may submit a written request for a time extension of six months. Such request shall be submitted <i>no later than five business days prior to the last scheduled meeting of the Planning Commission immediately prior to the date of the expiration of said plat.</i>	Plat expired Tuesday, November 1, 2020. No request for time extension was filed by required date.

STAFF RECOMMENDATION:

Staff recommends approval of the appeal. Due to COVID-19 setbacks indicated by the applicant, and the contractor is ready to get permits to begin work, staff is supporting this request.

LIST OF SUPPORTING DOCUMENTS:

- Applicant's Letter Request to Appeal Determination of Plat Expiration, and, Request for Extension of Plat Expiration Date, Dated 3/23/2021
- Approval Letter from Staff to Applicant, Dated 4/29/2020