

**W-3415
STAFF REPORT**

STAFF: [Elizabeth Colyer](#)

REQUEST

Special Use rezoning from RS9 to NO-S

BACKGROUND

The request was originally submitted as a General Use rezoning from RS9 to NO and was continued from the June 2019 Planning Board meeting to the July 2019 meeting, then to the August 2019 meeting, where it was recommended for denial. The request was heard by the City Council on October 7, 2019. During that hearing, the request was remanded to the Planning Board to allow the petitioner to convert the request to a Special Use rezoning petition. The revised request was submitted in November 2021 and automatically continued from the December 2021 Planning Board meeting to the January 2022 meeting. The request was then continued to the February 2022 Planning Board meeting.

ANALYSIS

With the modified request, the petitioner was required to submit a site plan that was compliant with all applicable provisions of the *Unified Development Ordinances* and conduct additional neighborhood outreach that included information related to the Special Use request and the new site plan. After review of the site plan by the interdepartmental review committee, the petitioner was responsible for submitting a revised plan addressing all outstanding issues and demonstrating compliance with the *Unified Development Ordinances*.

The request was continued twice to allow the petitioner time to submit a revised plan, but one was never submitted. Additionally, staff received no summary of the updated neighborhood outreach prior to any of the meetings since the modified request was submitted. Because the *Unified Development Ordinances* outlines a specific number of days the Planning Board has to hear a petition before sending its recommendation to the elected body, this petition must be heard at the February meeting. Since two required elements of the request are still missing, staff and the Board must recommend denial of the petition for failing to meet the requirements outlined in the *Unified Development Ordinances* for rezoning petitions.

RECOMMENDATION: Denial

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3415
FEBRUARY 10, 2022**

Desmond Corley presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe recommended that the Planning Board find that the request is inconsistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Walter Farabee, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended denial of the ordinance amendment.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Walter Farabee, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

Chris Murphy, AICP
Acting Director of Planning and Development Services