



# Town of Sahuarita

## Planning & Zoning Department

### Planning & Zoning Commission Staff Report

Case No.: SA9-09-06

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**Planning Commission Date:** October 5, 2009      **Agenda Item No.** 6

<b>PREPARED BY:</b>	Anna DiMambro, AICP – Senior Planner <i>AD</i>
<b>REVIEWED BY:</b>	Sarah S. More, FAICP – Planning & Zoning Director <i>SSM</i>
<b>RECOMMENDATION:</b>	Staff recommends that the Planning and Zoning Commission forward a recommendation of <b>approval</b> to the Town Council.

**SUBJECT:** Zoning Code Text Amendment – Development Plan Time Extensions

**PARCEL SIZE:** Not Applicable

**LOCATION:** Town-wide

**APPLICANT:** Town of Sahuarita Planning & Zoning Department

**AGENT:** N/A

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**DETAILS OF REQUEST:**

At the June 1, 2009 Planning & Zoning Commission meeting, the Commission approved staff's request for permission to proceed with a text amendment allowing for a time extension on development plans. After approval of a development plan, the applicant or property owner can apply to the Town for required permits such as building and grading permits. Building and grading permits are generally obtained shortly after the development plan is approved. However, sometimes the permitting and development process does not commence for some time, as has occurred during the current economic recession.

Zoning Code Section 18.71.040.B.2 presently states that *"Approval of the Development Plan shall be valid for a period of one year. A development plan shall be considered permanently in effect if building permits and/or development permits have been issued and substantial construction has been started, i.e. slabs and foundations poured, and streets, curbs, and utilities*

*installed. Determination of substantial expansion shall be by the Development Services Administrator whose decision may be appealed to the Hearing Officer."*

The rationale for having a one-year period to begin construction of a commercial project is that adjoining development may be approved and implemented on adjacent properties, which may change area conditions to the extent that the previously approved Development Plan becomes invalid or in need of revision. For example, the location of access driveways may no longer be valid from a traffic safety standpoint due to other access driveways which may have been approved and actually constructed. So, too, rezoning may occur within the area through time which would also have an impact on development densities and related capacities of area infrastructure. Zoning Code text amendments may also be approved that would impact the Development Plan, and requiring its expiration ensures that future developments comply with the current Zoning Code. The proposed amendment would add language into the Zoning Code providing for a one-year extension of the current one-year validity period.

Staff has researched the validity periods offered by other nearby jurisdictions and has found that the City of Tucson and the Town of Oro Valley offer extensions. The City of Tucson allows for a one-year extension of a development plan's validity period, but only in the case of a phased development. The Town of Oro Valley offers an extension of up to one year.

The current validity period of one year continues to be appropriate; however, staff finds that offering a justified extension of one additional year for a development to begin construction is appropriate in light of the current economic downturn as well as a number of other factors that could delay construction during any economic climate. Staff proposes to add the following language to Zoning Code Section 18.71.040.B:

*"3. An extension of approval may be granted by the Planning and Zoning Director if the applicant files for the extension prior to the approval becoming void and the Planning and Zoning Director feels the reasons justify extension of approval. In no case shall an extension be more than twelve (12) months."*

#### **BACKGROUND:**

At the Planning and Zoning Commission meeting of June 1, 2009 the Commission approved Staff initiating a text amendment to the Zoning Code in order to allow for an extension of the development plan time limit in section 18.71.040.B.2.

Within the last several years, in anticipation of commercial projects being delayed, staff has been including notations on commercial Development Plans providing for a 1-year extension of the validity period.

**ANALYSIS:**

The proposed text amendment would allow for the possibility of a one-year extension of the current one-year validity period for an approved Development Plan. This is similar to what is done in the City of Tucson and the Town of Oro Valley and would offer some relief to developers who for one reason or another are unable to begin construction within a year.

While staff currently allows for the one-year extension via a note on development plans, including this provision in the Zoning Code would formalize the practice and would ensure a uniform validity period for all applicants.

**PUBLIC INPUT:**

The public hearing was noticed with a display ad in the Green Valley News on September 20, 2009.

Staff has not received any comments from the public regarding this request to date.

**CONCERNS OF REVIEWING AGENCIES:**

N/A

**RECOMMENDATION:**

Staff recommends approval of Town of Sahuarita Planning and Zoning Commission Resolution 2009-05, recommending to the Mayor and Town Council approval of a text amendment to the Town of Sahuarita Zoning Code in allowing for the possibility of a one-year extension of the current one-year validity period for an approved Development Plan.

**REASONS FOR RECOMMENDATION:**

1. The current one-year validity period without possibility of extension does not reflect current development trends.
2. Providing for the one-year extension in the Zoning Code rather than a note on the development plan ensures a uniform validity period for all applicants.
3. An extension would need to be justified by the applicant.
4. An extension would allow a reasonable amount of time for applicants to begin construction of a commercial project.

**REQUIRED ACTION:**

Conduct a public hearing to determine whether this request is in the best interest of the Town of Sahuarita. A motion is needed to forward your recommendation to Town Council.

**PROPOSED MOTION:**

I move to adopt resolution 2009-05, recommending to the Mayor and Town Council approval of a text amendment to the Town of Sahuarita Zoning Code in allowing for the possibility of a one-year extension of the current one-year validity period for an approved Development Plan.

**SUPPORTING DOCUMENTS ATTACHED:**

Attachment 1: Planning and Zoning Commission Resolution 2009-05