



Town of Sahuarita

Planning & Zoning Department

Planning & Zoning Commission Staff Report

Case No. SA9-09-09

Planning Commission Date: October 5, 2009

Agenda Item No. 7

PREPARED BY:	Dylan Parry – Assistant Planner <i>D.W.P.</i>
REVIEWED BY:	Sarah S. More, FAICP – Planning and Zoning Director <i>SSM</i>
RECOMMENDATION:	Staff recommends that the Planning and Zoning Commission forward a recommendation of approval to the Town Council.

SUBJECT: Zoning Code Text Amendment - Establishing a Planning & Zoning Application Expiration Date

PARCEL SIZE: Not Applicable

LOCATION: Town-wide

APPLICANT: Town of Sahuarita Planning & Zoning Department

AGENT: N/A

DETAILS OF REQUEST:

Staff is requesting approval of a text amendment to the Town of Sahuarita Zoning Code in order to create a one-year deadline for re-submittal of Planning & Zoning applications, including tentative plats, final plats, and development plans. The request is being made in order to ensure that any changed conditions on or near the site or in Town regulations will be taken into consideration in the renewed application, as well as to maintain continuity in the review process by helping to ensure that the staff reviewer will not have changed and case details will not have been forgotten or lost. Currently, the Town does not have a re-submittal deadline.

Town staff researched re-submittal deadlines for selected Arizona jurisdictions and found that those jurisdictions tended to have either a 6 month re-submittal deadline with the possibility of an extension or no deadline at all, as shown in the table below.

Jurisdiction	Re-submittal Deadline	Extension
Pima County	6 months	3 months
Tucson	1 year	None
Marana	None	N/A
Oro Valley	None	N/A
Buckeye	6 months	6 months
Gilbert	6 months	6 months

Town Staff is proposing adding the following language for Tentative Plats, which would apply by reference to Final Plats, and for Development Plans to establish a one-year re-submittal deadline with a possible six-month extension:

Re-submittal deadline.

An (Tentative Plat, Final Plat, or Development Plan) application shall be considered closed if, after a period of one (1) year from the date of mailing of staff review comments, the applicant has not yet re-submitted the (Tentative Plat, Final Plat, or Development Plan) in response to staff comments and in compliance with zoning and other development requirements in effect at the time of application. To continue the review of a case for the property, a new (Tentative Plat, Final Plat, or Development Plan) application which complies with regulations in effect at that time must be filed with current first submittal fees. The new application starts a new review period.

An extension of the one-year re-submittal period may be granted by the Planning and Zoning Director if the applicant files for the extension prior to the review period expiring and the Planning and Zoning director feels the reasons justify the extension of approval. In no case shall an extension be more than six (6) months.

The new language would be placed in section 18.69.060 Subdivision Standards, and 18.71.040 Development Plan Standards.

BACKGROUND

At the Planning and Zoning Commission meeting of September 10, 2009 the Commission approved staff initiating a text amendment to the Zoning Code in establishing a Planning and Zoning application expiration date.

The Town currently has several inactive applications which exceed the proposed re-submittal deadline. There is a final plat and a development plan that have been inactive since 2007 and a tentative plat that has been inactive for over a year.

ANALYSIS

The Town Zoning Code currently provides a one year time limit between approval of a tentative plat and submittal of a final plat and for start of construction after approval of a development plan. However, no deadline is provided for inactive applications. The current procedure is for staff to submit comments after the first submission of an application, but there is no deadline for the applicant to re-submit the application addressing the comments.

As shown above, other Arizona jurisdictions have re-submittal deadlines ranging from six months with a three month extension to no deadline at all. Staff finds that a six-month deadline may not provide adequate time for some applicants to address all issues, yet the current lack of a deadline has caused a number of applications to remain open but inactive for long periods of time. Therefore, staff is suggesting a deadline of one year, with the possibility of a six-month extension to be approved by the Planning and Zoning Director. This length of time should be adequate for applicants to address all outstanding issues and to be able to re-submit while discouraging applicants from submitting applications that remain stagnant for years.

Although this text amendment would not apply retroactively to applications that are currently inactive, should this text amendment ultimately be approved by the Mayor and Town Council, staff intends to send a letter to these applicants indicating that they will have one year from the date of approval of this amendment to re-submit before the project is considered closed. Approval of this amendment would prevent future inactive applications from remaining open, thereby ensuring that the most current conditions are reflected in plats and development plans and maintaining continuity in the review process.

PUBLIC INPUT

The public hearing was noticed with a display ad in the Green Valley News on September 20th and notice was sent to applicants and developers in the area.

There have been no comments received to date.

RECOMMENDATION:

Staff recommends that the Planning & Zoning Commission recommend approval of a text amendment to the Town of Sahuarita Zoning Code in adoption of a one year time limit with the possibility of a 6 month extension for re-submittal of tentative plats, final plats, and development plans.

REASONS FOR RECOMMENDATION:

1. Staff is recommending approval of the text amendment in order to ensure:
 - A. Any changes on or near the site, or in Town regulations, are reflected in the applications; and

- B. Continuity in staff review of the application.
2. A re-submittal deadline of one year allows the applicant adequate time to make any necessary changes based on staff comments and helps to maintain continuity in the review process. The possibility of a six-month extension accounts for any unforeseen circumstances that may affect the applicant's timing.

REQUIRED ACTION:

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

PROPOSED MOTION:

I move to adopt resolution 2009-06 recommending to the Mayor and Town Council approval of a text amendment to the Town of Sahuarita Zoning Code creating a one year deadline with the possibility for a six month extension for re-submittals of tentative plats, final plats, and development plans.

SUPPORTING DOCUMENTS ATTACHED:

Attachment 1: Resolution 2009-06