

AGENDA ITEM SUMMARY

City Council



STAFF

Paul Sizemore, Director, Community Development & Neighborhood Services

SUBJECT

Resolution 2024-012 Adopting Findings of Fact in Support of the City Council’s Decision on Appeal to Uphold the Planning and Zoning Commission Approval of the Polestar Village Project Development Plan PDP220010.

EXECUTIVE SUMMARY

The purpose of this item is to make Findings of Fact and Conclusions regarding Council’s decision at the February 6, 2024, appeal hearing upholding the Planning and Zoning Commission’s decision to approve the Polestar Village Project Development Plan.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On November 16, 2023, the Planning and Zoning Commission (“Commission”) approved the Polestar Village Project Development Plan PDP220010. On December 1, 2023, Charles Thompson and other parties-in-interest (“Appellants”) filed a Notice of Appeal alleging that:

The Commission failed to conduct a fair hearing because the Commission 1) considered evidence relevant to its findings, which was substantially false or grossly misleading; and 2) was biased against the Appellants by reasons of a conflict of interest or other close business, personal or social relationship that interfered with a member’s independence of judgement; and

The Commission improperly failed to properly interpret and apply Land Use Code Sections 3.6.2(A), 3.6.2(I), 4.4(B), 4.4(C), and 4.5(A).

On February 6, 2024, Council considered the appeal allegations and testimony from the Appellants, parties-in-interest opposed to the appeal including the applicant for the Polestar Village PDP, and City staff. City Council unanimously voted to dismiss the failure to interpret and apply because the Notice of Appeal did not comply with City Code Section 2-49(b)(4) and did not provide sufficient notice to any party opposed to the appeal to allow such party to sufficiently understand and prepare to address such allegations. City Council further determined that the Commission conducted a fair hearing because the Appellants did not establish with competent evidence from the record that any of the fair hearing issues had merit, dismissed the Appellants’ fair hearing allegations, and upheld the Planning and Zoning Commission’s approval of the Project Development Plan on a 5-1 vote.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration