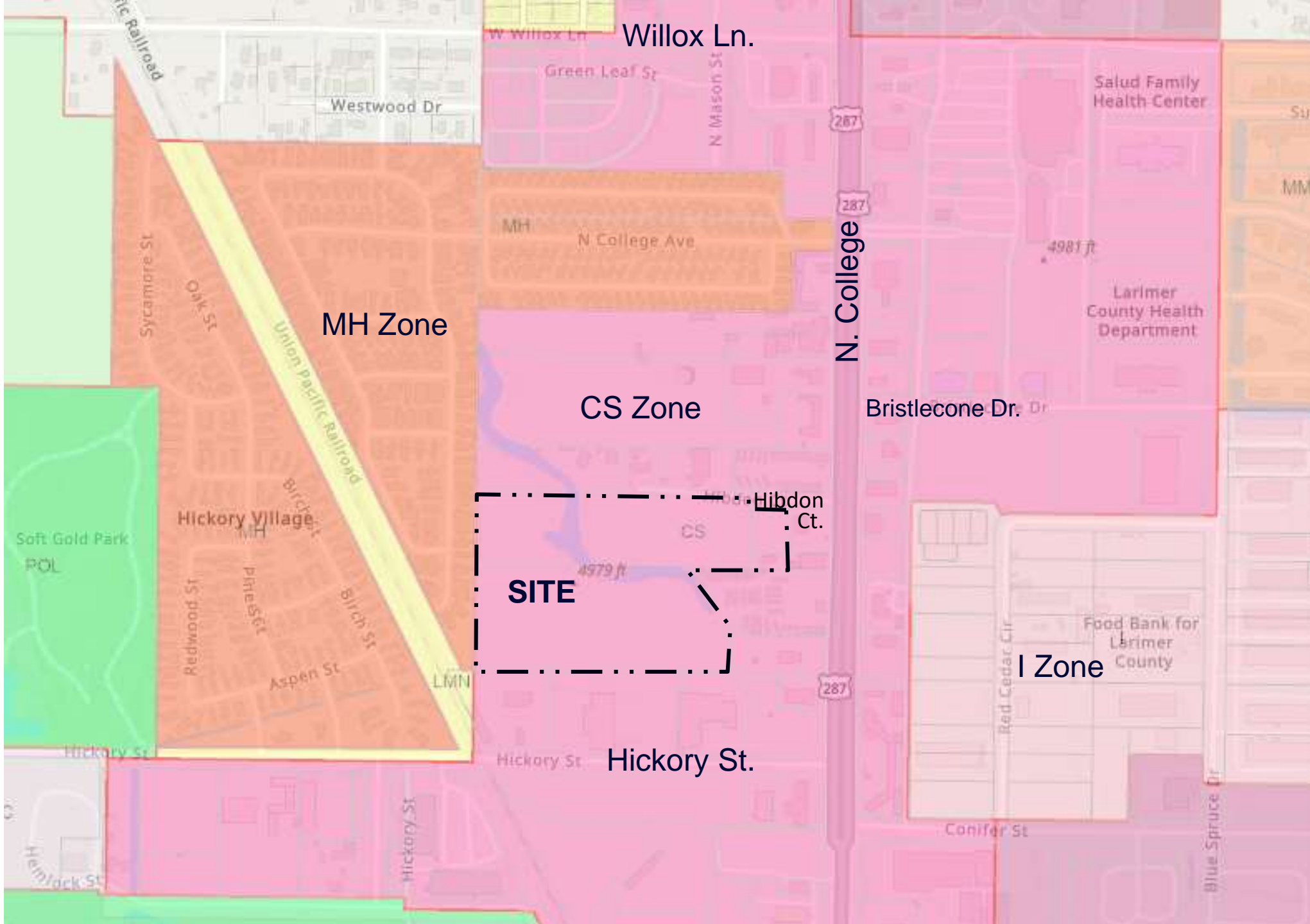


Mason Street Infrastructure Overall Development Plan (ODP) Appeal

Paul Sizemore, Community
Development & Neighborhood
Services Director





Willox Ln.

MH Zone

CS Zone

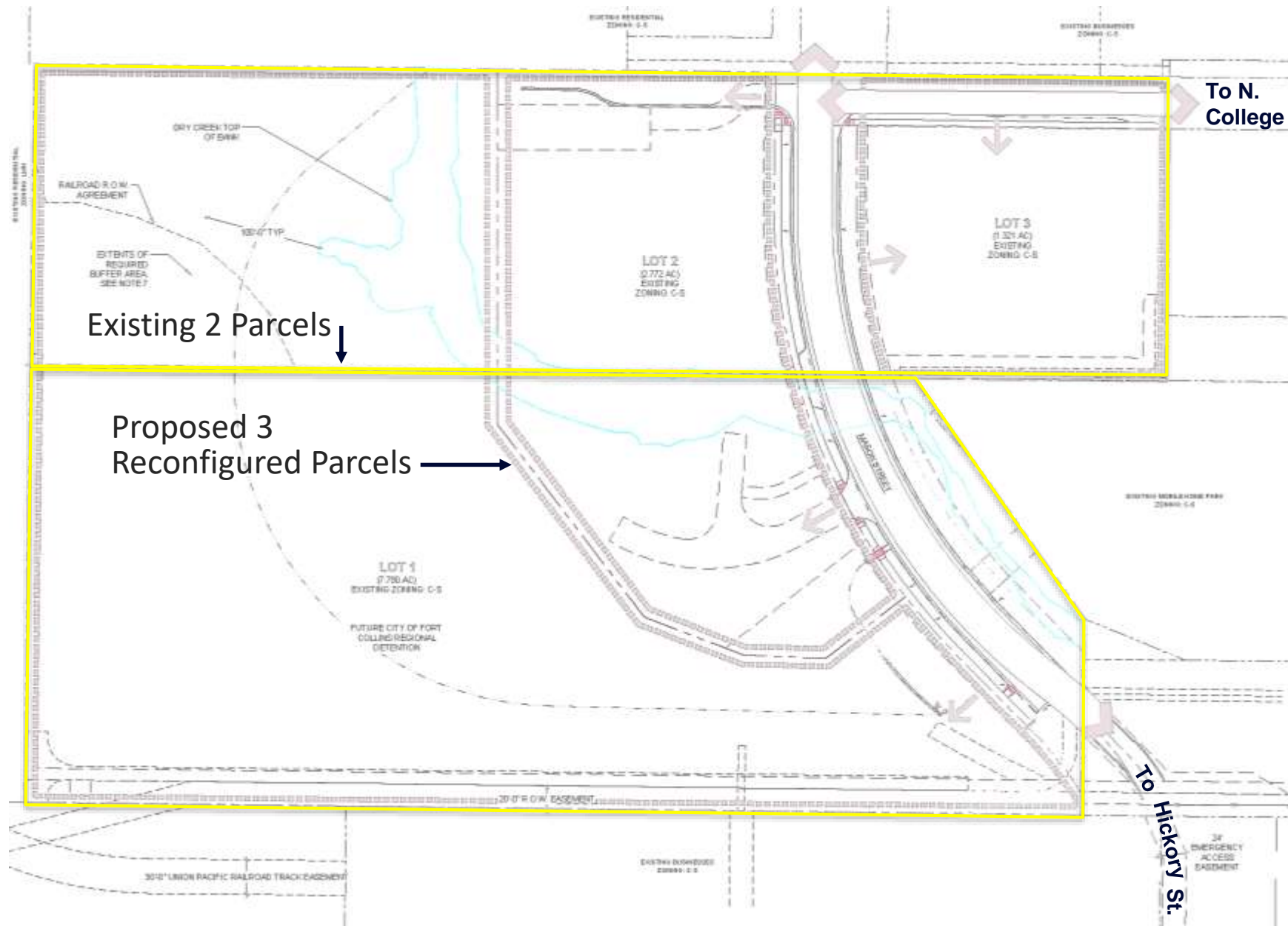
SITE

I Zone

Zoning

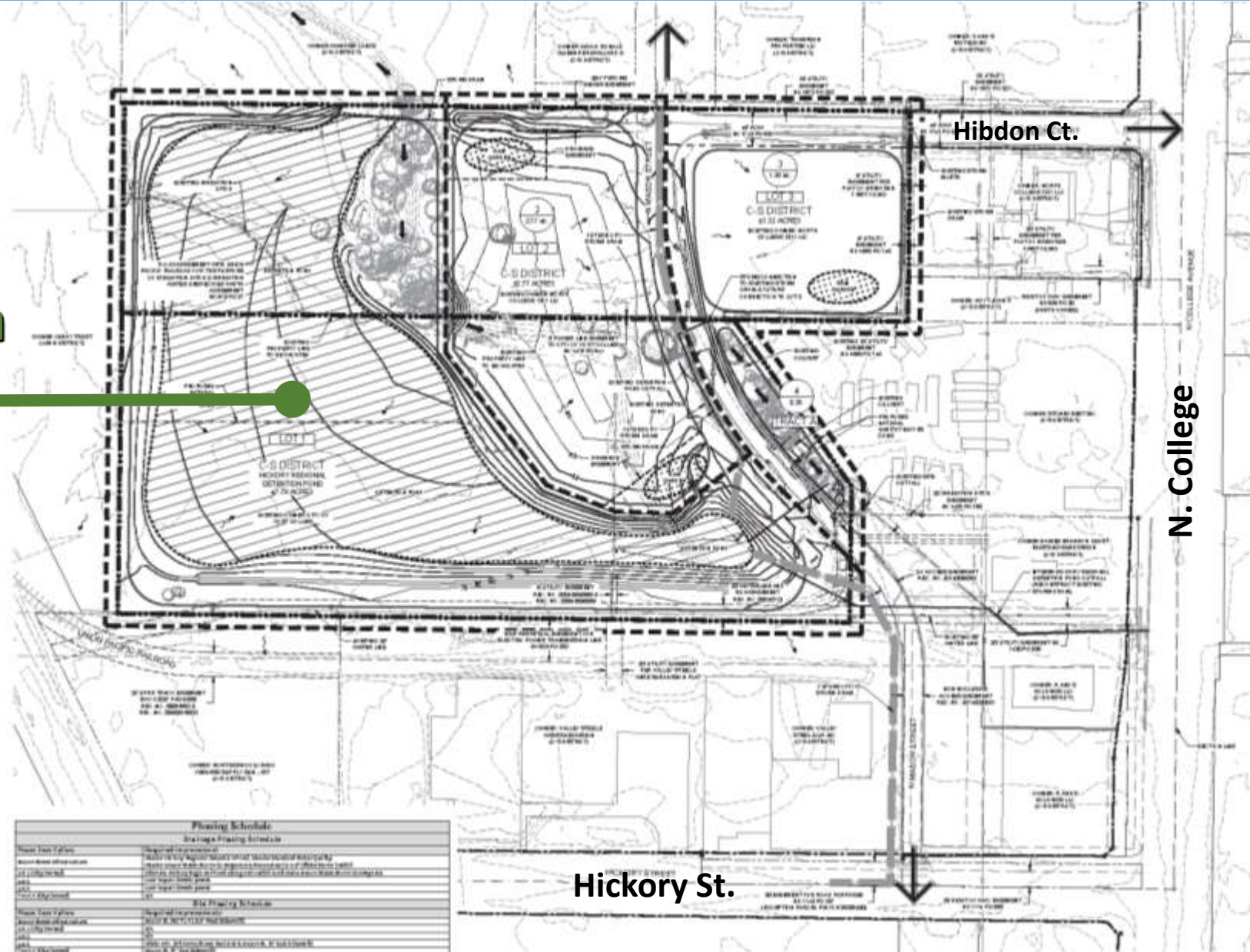


Mason Street Infrastructure
Overall Development Plan
(ODP)



- 12 acres
- 2 parcels

Detention Pond



| | |
|---------------------|---|
| Oct 14, 2022 | Preliminary Design Review and Posting Online |
| June 7, 2023 | Signs Posted |
| May 10, 2023 | Neighborhood Meeting |
| May 26, 2023 | First Development Plan Submittal |
| Feb 15, 2024 | Planning and Zoning Commission Hearing |
| Feb 23, 2024 | Appeal Notice Received |
| May 7, 2024 | City Council Appeal Hearing |

Alleges that the Decision Maker committed the following errors:

- Failure to conduct a **fair hearing** in that the Commission considered evidence relevant to its findings, which was substantially false or grossly misleading
- Failure to properly interpret and apply relevant provisions of the Land Use Code

First Issue on Appeal:

Did the Planning and Zoning Commission (P&Z) Fail to conduct a fair hearing in that the Commission considered evidence relevant to its findings, which was substantially false or grossly misleading?

Appeal alleges that:

“During the Staff presentation for the Mason Street Infrastructure Overall Development Plan (ODP), it was stated that there is plenty of space for the ultimate regional detention pond. It is believed that this is grossly misleading since there is no evidence or analysis provided to reference that the ultimate regional pond is feasible with the proposed ODP improvements.”

Appeal cites two code sections. Neither appears in the record for the hearing. Both refer to requirements that must be addressed at later points in the development process.

- Land Use Code subsection 3.3.2(D)(5) pertains to **building permits**. It is under the heading *“Required Improvements Prior to Issuance of Building Permit”*.
- Municipal Code subsection 26-544(a) begins with **“Prior to the final approval of the plat of any subdivision, or prior to commencement of construction...”**

Land Use Code requirements for ODPs are:

- “2.1.3(B)(1) *Purpose and Effect*. The purpose of the overall development plan is to establish general planning and development control parameters for projects that will be developed in phases with multiple submittals while allowing sufficient flexibility to permit detailed planning in subsequent submittals.”
- “2.3.2(H) The plan shall be consistent with general development standards (Article 3) that can be applied at the level of detail required for an overall development plan submittal.”
- “2.3.2H(6) The plan shall be consistent with the appropriate Drainage Basin Master Plan.”

- An ODP Drainage Report was required, completed, and reviewed by stormwater staff.
- Detailed analysis not presented at hearing but was a part of staff review and was a basis for staff recommendations.
- Staff review included: ODP Drainage Report, master planning studies, internal calculations and analysis.
- Discussion at hearing included:
 - drainage in the area has been studied for approximately the past 20 years;
 - a regional detention pond was identified as a need in a 2010 North College Infrastructure Funding Plan;
 - ODP represents an interim, partial step which is an advantage to the City with parameters for earthwork that would help create an initial portion of the future regional system, which will continue to be formulated by the City.

Stormwater Criteria Manual requirements for ODP information:

- “does not normally entail a detailed drainage analysis but does require a general presentation of the project’s features and effects on drainage and land disturbance.”

Drainage Report showing “feasibility and design parameters”. And also “general compliance with the appropriate Drainage Basin Master Plan”. Key topics are listed including:

- General basin characteristics
- Potential impacts from offsite drainage and detention calculations based on the ODP
- Specific details dependent on complexities of the site.

Second Issue on Appeal:

Did the Planning and Zoning Commission (P&Z) Fail to properly interpret and apply relevant provisions of the Municipal Code or Land Use Code?

Two code sections cited. The record does not mention either subsection. Both refer to requirements that must be addressed at later points in the development process.

- Land Use Code subsection 3.3.2(D)(5) pertains to **building permits**. It is under the heading *“Required Improvements Prior to Issuance of Building Permit”*.
- Municipal Code subsection 26-544(a) begins with **“Prior to the final approval of the plat of any subdivision, or prior to commencement of construction...”**

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