



## AGENDA ITEM SUMMARY

City Council

---

### STAFF

---

Paul Sizemore, Director, Community Development and Neighborhood Services  
Ryan Mounce, City Planner  
Chris Hayes, Legal

### SUBJECT

---

**Resolution 2023-080 Adopting Findings of Fact in Support of the City Council's Decision on Appeal to Remand the Planning and Zoning Commission Approval of a Major Amendment to the Ziegler-Corbett Overall Development Plan.**

### EXECUTIVE SUMMARY

---

The purpose of this item is to make findings of fact and conclusions regarding Council's decision at the August 15, 2023, appeal hearing to remand the Planning and Zoning Commission decision to approve the Ziegler-Corbett Overall Development Plan Major Amendment back to the Planning and Zoning Commission for further consideration.

### STAFF RECOMMENDATION

---

Staff recommends adoption of the Resolution.

### BACKGROUND / DISCUSSION

---

On March 23, 2023, the Planning and Zoning Commission considered an application for the Ziegler-Corbett Overall Development Plan Major Amendment #220004. The Commission approved the Major Amendment with reliance on alternative compliance to Land Use Code Sections 3.6.3(E) and (F) to provide a bike and pedestrian connection to the site's northern boundary. These sections would otherwise require a local street connection. Two Notices of Appeal were filed on April 5, 2023, alleging that the Planning and Zoning Commission failed to conduct a fair hearing and failed to properly interpret and apply relevant provisions of the Land Use Code.

On August 15, 2023, Council considered the consolidated appeal allegations, the record on appeal, information presented at the hearing, and testimony from parties in interest and their representatives. After discussing the appeal allegations, Council denied the fair hearing appeal allegation, finding that the Planning and Zoning Commission did conduct a fair hearing. Council remanded the proposal for rehearing to the Planning and Zoning Commission with the direction that the Commission must at a minimum determine and make specific factual findings whether the Major Amendment proposal complies with the street connectivity standards set forth in Land Use Code 3.6.3, without deference to the alternative compliance approval granted as part of the Ziegler-Corbett Overall Development Plan.

Council dismissed the remaining appeal allegations.

**CITY FINANCIAL IMPACTS**

---

Not applicable.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

---

Not applicable.

**PUBLIC OUTREACH**

---

Not applicable.

**ATTACHMENTS**

---

1. Resolution for Consideration