

AGENDA ITEM SUMMARY

City Council



STAFF

Kim Meyer, Interim Director, Community Development and Neighborhood Services

SUBJECT

Resolution 2024-130 Adopting Findings of Fact in Support of the City Council's Decision on Appeal to Uphold the Hearing Officer Approval of the Sanctuary on the Green Project Development Plan PDP2100018.

EXECUTIVE SUMMARY

The purpose of this item is to make findings of fact and conclusions regarding Council's decision at the October 15, 2024, Sanctuary on the Green Project Development Plan appeal hearing, concluding the Hearing Officer: 1) held a fair hearing, and 2) properly interpreted and applied the Code provisions and subarea plan related to the project, and thereby upholding the Hearing Officer's approval of the Sanctuary on the Green Project Development Plan.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On July 15, 2024, the Administrative Hearing Officer conducted a remand hearing to consider the Sanctuary on the Green Project Development Plan #PDP2100018 (PDP), which is a proposed development located on an approximate 41.34-acre parcel northwest of the Taft Hill Road and Laporte Avenue intersection. The (8th JD) District Court remanded the PDP hearing to the Hearing Officer in a July 24, 2023, decision, with instructions to consider whether the PDP was consistent with the Northwest Subarea Plan and compatible with the existing neighborhood. On July 24, 2024, and July 28, 2024, the Hearing Officer issued findings and supplemental findings, respectively, approving the PDP. On August 8, 2024, a Notice of Appeal was filed, alleging:

1. The Hearing Officer failed to conduct a fair hearing by ignoring a previously established rule of procedure related to allowing a development application to lapse, considering evidence relevant to his findings that was substantially false or grossly misleading, and improperly failing to receive all relevant evidence offered by the Appellants; and
2. The Hearing Officer failed to properly interpret and apply Land Use Code Sections 2.2.11 regarding lapse if an applicant does not respond to City comments within 180 days, 1.2.2 regarding the overarching purposes of the Land Use Code, 3.5.1 regarding building and project compatibility, and 4.5(E)(3) and (4) regarding development standards for building heights for L-M-N zoned districts, and failed to interpret and apply the Northwest Subarea Plan.

On October 15, 2024, Council considered the 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 voted to uphold the Hearing Officer's approval of the PDP. Council found the Hearing Officer conducted a fair hearing having considered evidence and staff recommendations that were appropriate and relevant for his decision on the PDP, did not ignore previously established rules of procedure regarding lapse, did not consider evidence relevant to his decision that was substantially false or grossly misleading, and did not improperly fail to receive all relevant evidence. Council also found Appellants' allegations without merit that the Land Use Code provisions and Northwest Subarea Plan were not properly interpreted and applied.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration