

ARTICLE XXXVIII

DEVELOPMENT PLAN REVIEW

Section 38.01 General

If a proposed development includes land that is zoned for commercial or industrial uses, the proposed development shall be subject to the submittal and approval of a Development Plan by the Planning and Zoning Commission, pursuant to Section 10.02.07 of the Zoning Ordinance. In reviewing such Development Plan, the Planning and Zoning Commission shall have the authority to modify and/or reduce the requirements of this Ordinance when, on the basis of evidence submitted by the Owner/Developer, it is determined that such modification is warranted.

Section 38.02 Procedure for Approval of Non-Residential Developments

Non-residential development projects shall be processed in accordance with the procedures specified in Sections 38.01 through 38.11, as follows:

Section 38.03 Pre-Application

The developer is encouraged to meet with the Zoning Enforcement Officer, City Engineer and Planning and Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purposes of this section and the criteria and standards contained herein, and to familiarize the developer with the development process, other provisions of this Code, and the drainage, sewer and water systems within the City. If a zoning change is to be requested for this development, a separate Zoning Amendment application is required per Zoning Ordinance Article V.

Section 38.04 Contents of Application for Preliminary Development Plan

An application for preliminary development shall be filed with the Planning and Zoning Commission by the owner/developer of the property for which the development is proposed. The preliminary plan must cover the entire contiguous ownership of the applicant unless the applicant specifically states in writing that he/she does not intend to develop the withheld portion of the tract for at least five (5) years. At a minimum, the application shall contain the following information:

- A. Name, address and phone number of applicant.
- B. Name, address and phone number of developer.
- C. Name, address and phone number of registered engineer/architect/ surveyor.
- D. Legal description of property.
- E. Description of existing use.
- F. Current and proposed zoning districts.
- G. A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property included in and adjacent to the proposed site.
- H. Proposed schedule for the development of the site.
- I. Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.
- J. A Preliminary Development Plan drawn to scale, prepared by a registered architect, registered engineer and/or registered landscape architect. Such plan shall contain the following information at a minimum:
 - 1. North arrow, date, and scale.
 - 2. Selected uses by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use. Include names of adjacent subdivisions and owners of

- adjoining parcels or unsubdivided land.
- 3. General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts.
- 3. Open space and the intended uses therein and acreage provided
- 4. Residential land uses summarized by lot size, dwelling type and density.
- 5. Existing and proposed roads, building, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries.
- 6. Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
- 7. Existing contours in intervals of 2 feet to show existing natural drainage; surface drainage and areas subject to flooding.
- 8. Preliminary plan for water, sewer, storm drainage and other utility systems. Show existing sanitary sewers, storm sewers, water mains, culverts or other underground infrastructure within the site or immediately adjacent properties with pipe sizes, pipe types, grades and locations. Include names, addresses, and phone numbers for utility owners.
- 9. Other improvements as required by the City Engineer.
- 10. Preliminary typical section of parking area. Include dimensions of parking spaces and provide total number of handicap and standard spaces.
- 11. Preliminary cross section of drive approach and utility laterals.
- 12. Preliminary plan view location, size, pipe type and grades of proposed sanitary sewer, storm sewer and proposed water mains including location of fire hydrants and water valves. Upon request, provide design data, profiles, and drainage calculations.
- 13. OUPS Reference Number.
- 14. The location of all survey monuments and their descriptions.
- 15. The radii, delta angles, tangents and length of curves for all curvilinear streets and radii for rounded corners.
- 16. Standard General Notes and Design Details per City Specifications.
- 17. Other items as may be required in the Big Box Development Section, Article XXXVI.
- 18. Label appropriate setbacks as required by appropriate zoning district.
- 19. Location, setbacks, and dimensions of proposed signage.
- 20. Location of trash receptacle and proposed screening.
- 21. Locate, dimension, and describe landscaping, screens or buffers as required by appropriate zoning district.

Section 38.05 Review Procedure

Twelve (12) copies of the completed application and Preliminary Development Plan shall be submitted to the Secretary of the Planning and Zoning Commission at least thirty (30) days prior to the Planning and Zoning Commission's next scheduled meeting. Failure to submit a complete application shall result in a refusal of acceptance. The Secretary of the Planning and Zoning Commission shall transmit the complete application package to other parties as the Planning and Zoning Commission deems appropriate, for review and comment.

Section 38.06 Action by Planning and Zoning Commission

The Planning and Zoning Commission shall make a determination to approve, approved with conditions or modifications, or deny the request for Preliminary Development Plan within 60 days of the first hearing.

Section 38.07 Criteria for Recommendations by Planning and Zoning Commission

Before making its determination, the Planning and Zoning Commission shall find that the facts submitted with the application and presented at the regular meeting established that:

- A. Each individual part of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability; the uses proposed will not impose undue adverse impacts on adjacent uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- B. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate volumes of traffic which would overload the street network outside the development.
- C. Any proposed commercial development can be justified at the proposed locations.
- D. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan.
- E. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- F. The existing public services are adequate for the population densities and uses proposed and in conformance with capital improvements planned for the area.

In making its recommendation, the Planning and Zoning Commission may seek the assistance and input of outside consultants and/or experts procured for that purpose.

Section 38.08 Final Development Plan

Not later than twelve (12) months from the approval of the Preliminary Development Plan, the developer shall submit ten (12) copies of the Final Development Plan to the Secretary of the Planning and Zoning Commission. The Final Development Plan shall be in general conformance with the Preliminary Development Plan. Failure to submit a Final Development Plan within the specified time period shall render the approved Preliminary Development Plan and the rezoning of the property null and void.

Section 38.09 Contents of Application for Approval of Final Development Plan

An application for approval of the Final Development Plan shall be filed with the Zoning Enforcement Officer at least twenty-two (22) days prior to the Planning and Zoning Commission's next scheduled meeting, by at least one (1) owner or lessee of property for which the development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. The Final Development Plan shall be prepared by a registered architect or engineer and, at a minimum, shall include the information and materials as follows:

- A. Survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses. Include Surveyor's name and contact information.
- B. All the information required in the Preliminary Development Plan including the location and sizes of lots, non-residential building intensity and land use considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant

- proposes an exception from standard zoning districts or other resolution governing development.
- D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone and natural gas installations; geotechnical report, drainage report, traffic studies, waste disposal facilities; street improvements and nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.
 - E. Completely detailed plans for the construction of all improvements contemplated by the approval of the preliminary development plan to completely improve all of the land included in the final plan.
 - F. Plan and profile of all sanitary sewers, storm sewers, and water mains.
 - G. Design data for sanitary sewers, storm sewers/detention, and water mains.
 - H. Vertical and horizontal control data.
 - I. Site grading plan showing existing and proposed contours referenced to City datum with intervals of 2 feet needed to show proposed drainage upon completion of construction.
 - J. Cross sections of drive approaches, utility laterals and any other unique features.
 - K. Site plan, showing building(s), various functional use areas, circulation and their relationship.
 - L. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.
 - M. Plans for landscaping.
 - N. Deed restrictions protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.
 - O. Other items as may be required in the Big Box Development Section.
 - P. All detailed construction plans shall be reviewed by the City Engineer to determine the compliance of plans with the laws of the State, the ordinances of the City, and good engineering practices. Only the signature of the City Engineer on such plans shall indicate the general conformance with such regulations.
 - Q. Final Record Drawing shall be filed with the City Engineer upon completion of the development.

Section 38.10 Action by the Planning and Zoning Commission

Within sixty (60) days from submittal of the items specified for approval of the Final Development Plan, or such other time as has been agreed to be the Developer, the Planning and Zoning Commission shall approve, or approve with modification, the Final Development Plan. Approval shall mean that it finds that said plan is in conformance with the approved Preliminary Development Plan, and that no significant constraints exist to construction of the project as planned.

Section 38.11 Expiration and Extension of Approval Period

The approval of the Final Development Plan shall be for a period of not to exceed two (2) years. If no construction has begun within two (2) years after approval is granted, the approved development plan shall be null and void, and the land shall revert to the zoning district in which it was located prior to the amendment, if any. An extension of this time limit, for a specific period, may be approved if the Planning and Zoning Commission finds that such extension is necessitated by conditions beyond the control of the applicant.