



## Legislation Text

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File #: 22-0220, Version: 1

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### **ITEM TITLE:**

Approval of Draft Findings for Recommendation to City Council to Approve Rezone 22-05, a Rezone of Lot 1 C, USS 197, Plat 2007-15 from Rural Residential to Commercial Residential.

**SUBMITTED BY:** Kate Huber, Planning Director

### **FISCAL NOTES:**

Expenditure Required: n/a

Unencumbered Balance: n/a

Funding Source: n/a

### **RECOMMENDATION:**

Approve draft findings, if the commission finds them to accurately represent their findings from the April 13, 2022 Commission Meeting.

### **SUMMARY STATEMENT:**

During the April 13<sup>th</sup> Regular Meeting of the Planning & Zoning Commission, the commissioners present voted to approve a recommendation to City Council to rezone Lot 1C, USS 197, Plat 2007-15 from Rural Residential to Commercial Residential. This decision was made based on findings that were different from the proposed staff findings included in the agenda packet for the meeting.

When staff moved to place the rezone ordinance first reading on the City Council agenda, with a summary of the commission discussion regarding findings, the City Clerk requested a more formal report to Council. Staff has prepared this draft report based on the comments made by commissioners during the meeting on April 13, 2022.

When making a decision regarding an amendment to the current zoning map, the Planning & Zoning Commission must report in writing to the City Council on the three topics described in 17.54.030 below.

The commission should review the included code provisions and evaluate the proposed findings report to determine whether it accurately reflects the basis for the decision to recommend approval of the rezone during the meeting on April 13<sup>th</sup>. If staff has missed any points discussed in their draft, commissioners are encouraged to motion to amend the draft report prior to approval. Staff has included the agenda packet from the original meeting for your reference. The audio from the meeting is also available on the city agenda website.

The Planning Department has requested further guidance from the legal department regarding this process, should the commission need to develop a findings report during a meeting in the future.

Jake Staser, City Attorney, is working on a memo to the commission with some additional direction for the commission.

**17.54.010 Authority.**

*Whenever the public necessity, convenience, general welfare, modifications to the comprehensive plan or good zoning practice requires, the city council may amend, supplement, modify, repeal or otherwise change these regulations and the boundaries of the districts in conformity with the provisions of this title and in accordance with the comprehensive plan.*

**17.54.030 Report from planning and zoning commission.**

*The planning and zoning commission shall report in writing to the city council on any proposed change or amendment, regardless of the manner in which such change is initiated. Such report shall include:*

- A. Findings as to the need and justification for a change or amendment;*
- B. Findings as to the effect a change or amendment would have on the objectives of the comprehensive plan;*
- C. Recommendations as to the approval or disapproval of the change or amendment.*