



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman



Laurie R. Feinberg
Acting Director

October 18, 2018

REQUEST: Rules and Regulations of Land Subdivision Amendments

RECOMMENDATION: Approval and Adoption

STAFF: Matthew DeSantis, AICP

SITE/GENERAL AREA: City-wide

HISTORY

- The Planning Commission approved the previous Rules and Regulations for Land Subdivision at the November 21, 2013 meeting. They became effective January 1, 2014.
- The Planning Commission approved the current Rules and Regulations for Land Subdivision at the December 22, 2016 meeting. They became effective March 31, 2017 and represent a comprehensive update over the previous regulations.
- The Planning Commission was provided a presentation of the proposed amendments at the September 27, 2018 meeting.

ANALYSIS

The Commission was presented with a staff report containing a comprehensive list of the proposed amendments to the Rules and Regulations of Land Subdivision at the September 27, 2018 meeting. After receiving input from the public as well as from the Commission, staff maintains these proposed amendments but wishes to provide additional information regarding two aspects that were raised at the September 27 hearing regarding the community notification process and the recordation of resubdivisions.

Community Notification

- Applicants are advised to meet with community groups (pages 14, 19)
 - Staff has always strongly encouraged applicants to meet with community members and this language just emphasizes the point.

At the September 27 hearing, the Commission asked for clarification if staff intended to use the word “advised” and not “required”. There was then a comment from a member of the audience who felt that the word “required” should be used.

There are several reasons why staff feels that applicants should not be “required” to meet with community groups as a formal part of the subdivision application process:

- 1) While the City does provide a Community Association Directory, not all community groups are listed. The CAD is an open-source tool and is not a formal list or the deciding factor in who is or is not an “official” community group. Therefore, it would be difficult to determine exactly which entities an applicant would need to meet with in order to satisfy a meeting requirement.
- 2) Some neighborhoods have multiple groups or associations active in a given area, making it overly burdensome to require a subdivision applicant to meet with a multitude of groups.
- 3) A requirement like this could be used by community groups or associations as a de facto “pocket veto” on a potential subdivision application if they decided to not meet with an applicant for any reason. It would be very problematic if an applicant’s due process was infringed upon.

It is important to emphasize that staff works very hard to facilitate public participation and that both community groups (per the guidance and judgement of our Comprehensive Planners) as well as abutting and closely adjacent property owners are notified of each and every subdivision application at the very beginning of the review process. This notification consists of an email notice to community group leadership, mailed notice to those abutting and closely adjacent property owners, and a physical sign posted on the property upon a subdivision application being received. The notices all contain direction for the public to either view electronic copies of the documents submitted via a website or contact information for them to reach out to our office directly with questions or comments. Generally, several months pass between the filing of a subdivision application and its placement on a Planning Commission agenda which provide ample time for concerned individuals to make comments or inquiries. Subdivision applications that appear before the Planning Commission as live items with presentations are then also subject to additional public notice in the form of the Commission’s own site posting requirements.

While subdivision applications are publicly noticed in a variety of formal ways, Staff’s experience has found that both the applicant as well as community members are greatly benefited when applicants reach out, either formally or informally, to neighbors and community association leadership in advance of any legal notice taking place. In this way, community members can know what an applicant has in mind for a potential subdivision application before it is filed and can offer any thoughts or concerns at this early step. This also is a way for applicants to show respect for the knowledge that community members have of their neighborhoods. For the above-listed reasons, however, it would be very difficult to mandate this kind of communication and would probably create more problems than it would solve.

Recordation Process of Resubdivisions

- Instructions are added for the recordation of approved resubdivisions that do not include mylars to be recorded (page 16)
 - This clarifies the process applicants are to follow when they do not have a mylar to record with Land Records.

Subdivision plats that have been approved by the Planning Commission are stamped and signed by the City and then recorded by the applicant with the state Land Records office. Resubdivision applications, however, do not include a subdivision plat to be stamped and signed. In these

instances, therefore, in order to make sure that the Planning Commission's ruling can be easily found within the public records, the applicant is provided with the following:

- 1) An approval cover letter that lists the date of the Commission meeting and what exactly was approved.
- 2) An appendix containing the City block plat map indicating which lots were subject to the subdivision approval.
- 3) An appendix containing the legal descriptions of the parcels subject to the subdivision approval.

These documents are then recorded with Land Records along with a deed to split the lots. This process has been arrived at after consultation with the Department of Transportation's Property Locations Section, to be sure that adequate record keeping measures are in place.

Public Notification:

Staff has made the proposed amendments available to the public in order to receive comments. The proposed amendments have been posted to the Department website and to the Wix subdivision website. Additionally, the proposed amendments were sent out to frequent applicants of the City's subdivision process.

Recommendation and Effective Date:

Staff requests approval and adoption of these amended Rules and Regulations of Land Subdivision and for them to be effective December 1, 2018.



Laurie R. Feinberg
Acting Director