



Legislation Details (With Text)

File #:	20-352	Version:	1	Name:	Resolution No. 20-05, Modification of Planning Division Fee Schedule
Type:	Resolution	Status:			Agenda Ready
File created:	6/23/2020	In control:			City Commission
On agenda:	7/1/2020	Final action:			
Title:	Resolution No. 20-05, Modification of Planning Division Fee Schedule				
Sponsors:	Laura Terway				
Indexes:					
Code sections:					
Attachments:	1. Staff Report, 2. Resolution No. 20-05, 3. Exhibit A: Revised 2020 Planning Fee Schedule, 4. Revised 2020 Planning Fee Schedule (Redlines), 5. City Attorney Memo, 6. Public Comment: James Nicita, 7. Public Comment: James Nicita 2				

Date	Ver.	Action By	Action	Result
7/1/2020	1	City Commission		

Resolution No. 20-05, Modification of Planning Division Fee Schedule

RECOMMENDED ACTION (Motion):

Approval of Resolution No. 20-05 to modify the Planning Division fee schedule.

EXECUTIVE SUMMARY:

The Planning Division has proposed amendments to the associated Fee Schedule to include a new fee for nonresidential development in the Thimble Creek Concept Plan.

BACKGROUND:

The Planning Division has proposed amendments to the associated Fee Schedule to include a new fee for the Thimble Creek Concept Plan. As part of the Beaver Creek Road/Thimble Creek Concept Plan hearings process, staff heard from the Planning Commission and the Parks and Recreation Advisory Committee (PRAC) that even though no parks space is identified within the Concept Plan employment zoning districts, nonresidential development should also contribute to the acquisition and interim development of parks spaces above and beyond the required Parks SDCs.

Both groups supported staff's recommendation that this fee be set for \$1,000 dollars per each new 5,000 square feet of non-residential development within the Concept Plan boundary. A new 50,000 square foot Industrial building would be required to pay \$10,000. The fee shall be used exclusively for acquisition and interim development of parks and open spaces within the Beaver Creek Road (Thimble Creek) Concept Plan.

Residential development within the Concept Plan will be required to proportionally dedicate land if located within the designated park areas through the Site Plan and Design Review or Subdivision process, and if not located within a identified parks location, the residential development is required to provide payment based on the valuation of the land that would have been dedicated. As a majority of park and open space is located within the residential zoning areas, a simple and straight forward

fee for non-residential park acquisition and interim improvement was considered to provide the most transparency for the development community.

This proposal was part of the March 10, 2020 City Commission Work Session presentation on parks acquisition code, is included in the staff report and record of the LEG 19-03 and is not proposed to be effective until August 3, 2020 which is concurrent with the effective date of the Concept Plan amendments. The proposed Resolution includes a provision to adjust fees on an annual basis to account for inflation.

The City Commission continued this item from the June 17, 2020 Consent Agenda. Two emails from James Nicita have been added to the file as well as a response memo from Bill Kabeiseman, City Attorney. Mr. Nicita questioned the ability of the City to pass Planning fees through a resolution and questioned the ability to increase fees yearly based on the Consumer Price Index (CPI). Mr. Kabeiseman's memo provides background on these issues and provide direction that he believes the city has the authority to approve the proposed fee through a resolution.

OPTIONS:

1. Approve Resolution 20-05
2. Modify Resolution 20-05
3. Deny Resolution 20-05

BUDGET IMPACT:

Amount: Likely Minimal to Moderate