

DEVELOPMENT SERVICES DEPARTMENT
Planning & Zoning Division

MEMORANDUM

2-2-05

TO: Mayor and Councilmembers

THRU: Chris Kovanes, Interim Town Administrator

THRU: Mark A. Kutney, Development Services Director
Fernando Leiva, Planning and Zoning Manager

FROM: Marcie Oppenheimer Nolan, Deputy Planning and Zoning Manager

DATE: February 3, 2005

RE: *Zoning Conformance Areas #1 & 2.*

REQUEST: Staff is requesting that the above referenced item, currently scheduled for the February 16, 2005 meeting be withdrawn until the final State Road 7 Charrette is presented to Town Council and direction is provided. Due to the time that has elapsed since the first meeting with the property owners regarding rezoning of the area and the potential adoption of a master plan for this area, a withdrawal of the item is recommended. Upon direction, staff will hold additional public meetings and re-advertise as needed.

HISTORY: At the December 1, 2004 meeting this item was tabled to the February 16, 2005 meeting. Previously this item was tabled from the October 6, 2004 meeting be tabled to the December 1, 2004 meeting. Town Council previously tabled this item at the August 18, 2004 meeting to the October 6, 2004 Town Council meeting and from the June 16, 2004 Town Council meeting to the August 18, 2004 meeting.

CONCURRENCES: At the May 26, 2004 Planning and Zoning board meeting Mr. McLaughlin made a motion, seconded by Vice-Chair Turin, to deny based upon the Town Attorney looking into the vested interests of the landowner's rights that were agreed upon for the zoning back when they were brought into the Town; that the Town had the ability to add an M-4 zoning district to address the rights and interests of those effected owners; that to move this forward as it was would be a taking of rights; that there was the possibility of the existence of an agreement that was entered reasonably and relied upon by those owners at the time of the annexation and that possibly, this ordinance would undermine that agreement. Motion carried 4-1 with Mr. Stevens being opposed.

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