

**DEVELOPMENT SERVICES DEPARTMENT**  
**Planning & Zoning Division**

MEMORANDUM  
PZ 09-21-99

TO: Robert Middaugh, Town Administrator  
FROM: Mark A. Kutney *M.A.K.* AICP, Development Services Director  
DATE: September 9, 1999  
RE: Modifications to Site Plans

Recently, an issue surfaced whereby an approved change to a site plan sanctioned by staff, the Site Plan Committee and Town Council was inconsistent with the discussions and intentions during deliberation of a comprehensive plan amendment and rezoning application pertaining to the subject property.

I was directed to revisit our codes relative to this issue and prescribe a method to ensure that modifications and changes do not occur at site plan review under a similar scenario. After review, it is my recommendation that the following language be added to Section 12-374 entitled "Modification of Site Plans". To read as follows:

Subsequent to the approval of any development order by the Town Council that resulted in the imposition of conditions, stipulations, deed and use restrictions or representations by the Developer or authorized agent, no modification or change to the aforementioned conditions, stipulations, deed and use restrictions or representations can be considered by Town Staff or Site Plan Committee when a site plan application is filed in conjunction with the approved Development Order.

It is my further recommendation that the language above be discussed at the Town Council Meeting of September 15, 1999. Should the language be approved in concept and/or modified by the Town Council, a first reading of the proposed ordinance could occur on October 6, 1999.

Should you have any questions please advise.

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