



Case #AP-16-22

Planning Commission – June 7 2022



Case Summary

- The applicant is appealing the final determination by the Community Development Director denying a lot line and terminology adjustment.
- The applicant is asking for the approval of a Lot Line and Terminology Adjustment per section 21-3244 of the Land Development Code (LDC).



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Background

- Oakwood Homes submitted an application for a lot line adjustment and terminology change for property previously platted as part of Reunion Ridge Filing 1
- The application was denied.
- The denial was communicated by letter sent on April 19, 2022 to the applicants informing them of the denial and explaining that the land use application submittal could not be processed as a terminology change.
- It was recommended that they submit for a final plat and include both the change from a tract to a lot and revision of lot lines.
- Oakwood Homes has appealed the Director's decision regarding a Terminology Adjustment. This appeal is now before the Planning Commission for review and recommendation to the City Council, de novo.



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Lot Line & Terminology Adjustments

The City's Land Development Code outlines the following information for Lot Line and Terminology Adjustments (Section 21-3244), which in relevant part, states as follows:

- 1) Description. The lot lines or terminology of previously recorded documents may only be adjusted in accordance with this section.
- 2) Review. The director and the DRT, as deemed appropriate by the director, will review applications for lot line or terminology adjustments ("adjustments"). The director is authorized to approve, approve with conditions, or deny such applications based on the criteria below

Approval Criteria. The director may approve a lot line adjustment if:

- a) The adjustment does not increase the number of lots or parcels or create new lots or parcels;
- b) The adjustment does not affect a recorded easement without the prior approval of the easement holder;
- c) Street locations will not be changed;
- d) The adjustment will not create any nonconformities, or increase the degree of nonconformity of any existing structure or use; and
- e) The adjustment complies with all other applicable city standards.



Definitions

- (248) *Lot* shall mean a unit of subdivided land occupied or designed to be occupied by a primary use or building or a group of such buildings and accessory buildings.
- (256) *Lot Line Adjustment* shall mean a change in lot or parcel boundaries that does not create additional lots or parcels.
- (337) *Plat* shall mean a map that defines the subdivision of land and commonly shows lots, blocks, streets, and other features relevant to the development of property.
- (468) *Tract* shall mean a unit of subdivided land not occupied or designed to be occupied by a primary building, such as open space or drainage.



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Application of Approval Criteria

- Lot and Tract are the important terms.
- A tract is “not occupied or designed to be occupied by a primary building”
- A lot is “designed to be occupied by a primary use or building... .”
- A lot is needed for development
- A tract can be utilized for open space, landscaping and drainage, and without structures that would require a Certificate of Occupancy.
- When a tract becomes a lot, a land use entitlement is bestowed upon it because it is then immediately developable.
- Applicant seeks to change Tract C in the Reunion Ridge Filing 1 from a tract to a lot for the purpose of development.
- Originally zero (0) lots and one (1) tract.
- The applicant is requesting 1 lot and 0 tracts as a part of this application.



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Final Plat & Approval Criteria

- A final plat is the process in which lots are created and recorded. The final plat process is the only mechanism in which to legally create a new or additional lot within the Land Development Code.
- Approval Criteria. A final plat may be approved if the decision maker finds that:
 - a) The subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document;



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Application to Case

- The Final Plat process is the process to create a lot.
- The approval criteria for a Final Plat allows the city to address the suitability for development.
- The Final Plat approval criteria allows the fact finder to consider zoning, legality per other laws, maximization of open space, whether lot patterns are in compliance with city standards, adverse impacts, public services, phasing, and most importantly, whether a development agreement is necessary.
- Increasing the number of lots through a lot line and terminology adjustment deprives the City of the opportunity to review and assess these important criteria.



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Application of Lot Line & Terminology Adjustment

- Application of the approval criteria for a lot line and terminology adjustment leads to the conclusion that the application, if reviewable under this section of the Code, does not meet criteria (3)(a) because the change creates a new lot.
- Therefore, the application for a Lot Line and Terminology Adjustment must be denied.



Questions?

