

GENERAL INFORMATION

PL202400106
PL2024-106

Applicant: MCDC Penn LLC (Owner)
Steve Furlong (Applicant)

Location: 8525 and 8545 Penn Avenue South

Request: Request for a 1-year extension of plat approval for Penn Lake CityHomes (#PL2020-133).

Existing Land Use and Zoning: Vacant lots; zoned Townhouse Residential with a Planned Development Overlay R-3(PD)

Surrounding Land Use and Zoning: North, East and West – Single-family residential dwellings; zoned R-1
South – Park; zoned R-1(FH)

Comprehensive Plan Designation: Medium Density Residential

HISTORY

City Council Action: 10/05/2020 – Approved a Comprehensive Guide Plan Amendment to reguide from Low Density Residential to Moderate Density Residential and Rezoning of the site from R-1 to R-3(PD) (Case #PL2020-133).

City Council Action: 10/19/2020 – Approved a Preliminary and Final Development Plan for a 15-unit townhouse development and a Type III Preliminary and Final Plat to subdivide two properties into 15 townhouse lots and one common lot (Case #PL2020-133).

City Council Action: 05/10/2021 – Denied a Change of Condition related to the access requirements for a 15-unit townhouse development (Case #PL2021-50). The owner and applicant filed a lawsuit (File No. 27-CV-21-10098) challenging denial. The District Court ordered the City to adopt a resolution approving the Change in Condition.

City Council Action: 08/08/2022 – Approved a Change of Condition related to the access requirements for a 15-unit townhouse development (Case #PL2021-50)

CHRONOLOGY

Council 07/15/2024 Review Anticipated (Consent Agenda)

DEADLINE FOR AGENCY ACTION

Application Date:	06/19/2024
60 Days:	08/18/2024
Extension Letter Mailed:	No
120 Days:	10/17/2024
Applicable Deadline:	08/18/2024

STAFF CONTACT

Dakota Crowell
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PROPOSAL

The applicant is seeking a one-year extension of the final plat approval for PENN LAKE CITYHOMES, which is the maximum that may be granted and requires City Council approval.

BACKGROUND

On October 5, 2020, the City Council approved a Comprehensive Plan Amendment and Rezoning for the subject properties at 8525 and 8545 Penn Avenue South. On October 19, 2020, the City Council approved Preliminary and Final Development Plans and an associated Type III Preliminary and Final Plat to subdivide two lots into 15 townhouse lots and one common lot (Case #PL2020-133).

The applicant later applied to change a condition of approval attached to the approved Final Development Plan (Case #PL2021-50). On June 10, 2021 the City Council denied a Change in Condition for Case #PL2020-133 related to the access requirements for the approved townhouse development. The applicant subsequently appealed the denial to the Second Judicial District Court. The case was heard on April 5, 2022, before Honorable John Guthmann, and a decision was issued on July 5, 2022. After the District Court decision, the City Council adopted a resolution approving the requested Change in Condition on August 8, 2022.

The applicant was unable to obtain a building permit for the approved development during the time period of the dispute, so the two-year approval period for the Final Development Plan and associated Final Plat was tolled. As a result, a new two-year period of validity was granted starting on August 8, 2022. In accordance with Sections 21.501.03(f) and 22.06(e), the Final Development Plan and Final Plat expiration date for approvals associated with Cases #PL2020-133 and #PL2021-50 is August 8, 2024.

ANALYSIS

The applicant is requesting a one-year extension due to volatility in the housing and construction markets and is determining the best path to project completion. The plat has not changed since its approval. The City Council has the authority to “extend the approval of a final plat by up to one additional year when it finds that the extension is in the public interest” (City Code Section 22.06(e)). Because the relevant City Code subdivision standards have not changed in the past four years, the plat remains Code compliant, and staff believes the one-year final plat approval extension is in the public interest. The applicant has been actively working to move the project forward. Approval of the plat extension would allow the applicant to have another year to finalize construction plans and financing, further facilitating the future occupancy of the subject property. If approved, all conditions of plat approval attached to Case #PL2020-133 and memorialized in Resolution No. 2020-167 (see Exhibit A) and the March 14, 2023 memo (see Exhibit B) would be carried forward.

RECOMMENDATION

Staff recommends approval of the plat extension through the following motion:

Motion by _____, seconded by _____, to adopt Resolution No. 2024-____, a resolution approving a one-year extension of the final plat of PENN LAKE CITYHOMES, subject to the conditions of approval documented in Resolution #2020-167 and the March 14, 2023 plat extension memorandum.

RECOMMENDED CONDITIONS OF APPROVAL

Case #PL2024-106

Project Description: Request for a 1-year extension of plat approval for Penn Lake CityHomes located at 8525 and 8545 Penn Ave S (#PL2020-133).

Address: 8525 & 8545 Penn Ave S

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Ongoing All conditions of preliminary and final plat approval in Case PL2020-133 and memorialized in Resolution #2020-167 and the March 14, 2023 plat extension memorandum remain in effect.