

MEMORANDUM

DATE: December 14, 2010

TO: Board of County Commissioners

FROM: Vicki Lucero, Development Review Team Leader

VIA: Jack Kolkmeier, Land Use Administrator
Shelley Cobau, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

RE: CDRC CASE # MIS 10-5550 Tessera Master Plan Time Extension

ISSUE:

Northwest Villages LLC (Michael Hurlocker), Applicant, requests a 2-year time extension of the Master Plan approval for the Tessera Subdivision. The property is located on the north side of State Road 599 at its intersection with Via Tessera, within Sections 17 and 20, Township 17 North, Range 9 East (Commission District 2).

SUMMARY:

On December 18, 2001 the EZA (Extraterritorial Zoning Authority) granted Master Plan Zoning approval for the Tessera Subdivision (formerly College Hills) which consisted of 166 residential lots on 145.97 acres to be developed in 2 phases (refer to Exhibit "D").

On December 12, 2002, the EZC granted Preliminary Plat and Development Plan approval for Phase I of the Tessera Subdivision which consisted of 88 lots. And on January 13, 2004, the BCC granted Final Plat and Development Plan approval for Phase I.

At the time these approvals were granted the subject property was located in the 2-Mile Extraterritorial Zoning District and therefore under the jurisdiction of the Extraterritorial Zoning Ordinance (EZO). The EZO stated that "approval of a master plan shall be considered valid for a period of five (5) years from the date of approval by EZA." This would have maintained the validity of the master plan until December 18, 2006.

However, the EZO also stated that “progress in the planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. Progress means the submission of Preliminary or Final Development Plan, or Preliminary or Final Subdivision Plat for any phase of the Master Planned project.” With an automatic 2-year renewal for the Preliminary Plat approval of Phase I and another 2-year renewal for the Final Plat approval of Phase I, the master plan approval would remain valid until December 18, 2010.

With the elimination of the Extraterritorial Zoning District this development now falls under the regulations of the County Land Development Code. The language in the Code regarding expiration and renewals of Master Plans is exactly the same as the EZO.

Article V, Section 5.2.7 (Expiration of Master Plan) of the Code states, “Master Plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer.” The developer states that the downturn in the economy means it is not prudent to submit a Plat/Development Plan for Phase II when Phase I is not selling. Therefore, a 2-year time extension is being requested.

RECOMMENDATION:

There have not been any major changes in the ordinances that govern this area since the time of the previous approvals for this development. Therefore, staff recommends the that BCC grant a 2-year time extension of the Master Plan which would render the approval valid until December 18, 2012, subject to the following condition:

1. Compliance with the conditions of the approved Master Plan.

ATTACHMENTS:

Exhibit “A” – Applicant’s Letter
Exhibit “B” – Master Plan
Exhibit “C” - Vicinity Map
Exhibit “D” – December 18, 2001, EZA Minutes