

Chapter VII. REVIEW AND APPROVAL PROCESS

A. Site Development Plans For Building Permit shall be processed through the Review and Approval Process described in Chapter VII of the 2008 USDP.

B. Review and Approval Process

1. The Applicant for a Site Development Plan Approval shall call the Planning Department to request a Project Review Meeting with the Uptown Review Team (URT) prior to submitting an Application for Site Development Plan Approval.
2. The Planning Director shall schedule and convene a meeting between the URT and the Applicant within fourteen (14) days of the Applicant's request.
3. The URT shall consist of representatives from Planning, Zoning, the Office of Neighborhood Coordination, Transportation and the City Forester. Other City departments, such as Transit and Environmental Health shall also participate as deemed appropriate by the Planning Director, on a case by case basis.
4. At the Project Review Meeting the Applicant and the URT shall discuss the Applicant's ideas for a Site Development Plan and how the proposal will meet the general requirements and regulations of the City and the 2008 Uptown Sector Development Plan. It is not a requirement that the Applicant presents a completed Site Development Plan at this meeting, but it is an option that could expedite the Review and Approval Process. Sufficient information shall be provided to allow for adequate feedback and guidance from the URT.
5. At the Project Review meeting, the Planning Director shall assign a planner to track the Applicant's Site Development Plan and to provide a detailed review with written comments on the submitted Site Development Plan. This review will have an emphasis on compliance with the 2008 USDP. The Assigned Case Planner will communicate any issues of non-compliance to the Applicant and the DRB and will stay involved until there is an Approval or a Denial of the Site Development Plan.
6. After the Project Review Meeting, the Applicant, when ready, shall submit at least ten (10) copies of the proposed Site Development Plan, including the Landscape and Signage Plans and one set of 8-1/2" x 11" reductions to the Planning Director for the purpose of distributing the Site Development Plan to the members of the URT and the Assigned Case Planner.
7. After the Applicant submits the copies of the Site Development Plan, the URT members shall provide written comments regarding the compliance or non-compliance of the Site Development Plan to the Assigned Case Planner within two weeks of the Planning Director's receipt of the Site Development Plans. The Assigned Case Planner shall compile all the URT written comments and any issues regarding the 2008 USDP he has identified into a report for the Applicant. That report shall be available to the Applicant no later than one (1) week from the Assigned Case Planner's receipt of the URTs written

comments. In no case shall it take longer than a total of three (3) weeks from the Applicant's submittal of Site Plans to the Planning Director and the Assigned Case Planner's compilation of written comments being made available to the Applicant.

8. After the Applicant has received the written comments on issues of compliance and/or non-compliance and is ready to demonstrate how the Site Development Plan meets all 2008 USDP regulations and requirements, the Applicant may request a DRB Hearing. If the Applicant wishes he may request another Project Review Meeting for additional clarification instead of requesting a DRB Hearing.
9. Upon the Applicant's request of a DRB Hearing, if the Site Development Plan still has numerous areas of non-compliance, the Planning Director may call another Project Review Meeting between the URT, the Assigned Case Planner and the Applicant.
10. If the URT and the Assigned Case Planner find that the Site Development Plan is in compliance or very close to compliance with the 2008 USDP, the Applicant may make an Application for Site Development Plan Approval and schedule a Hearing with the Development Review Board (DRB). An Applicant may apply for a Deviation as described in Section F of this chapter in order to achieve compliance with the 2008 USDP. Compliance with the URT and/or Assigned Case Planner's list of issues does not create or imply any vested rights or Entitlements until the proposed Site Development Plan is signed-off on and dated as Approved by the DRB.
11. The Applicant's request for a DRB Hearing shall be scheduled for the next available DRB Hearing which allows adequate time for required Notification from both the Applicant and the Planning Department.
12. Upon scheduling the DRB Hearing, the Applicant and the Planning Department shall meet the Notification requirements set forth in Chapter VII, B, #13 and #14.
13. The Applicant shall give written Notification of the Application for Site Development Plan Approval to any recognized Neighborhood Association, non-recognized neighborhood organization and/or homeowner association which covers, abuts, or is across the public Right of Way from the subject Site and any interested parties in the area that have registered with the Office of Neighborhood Coordination (ONC) to receive notice. The ONC shall provide the Applicant with a complete list of the names and addresses for all the people who require Notification. The Applicant shall not be held responsible for notifying people who are not on the list provided by the ONC. Notification shall include a reduced version of the proposed Site Development Plan including the Landscape Plan; the date, time and location for the DRB Hearing; contact information for the Applicant and the name, e-mail and phone number of the Assigned Case Planner. The Notification packet shall be mailed by certified mail, return receipt requested and post marked at least ten (10) days in advance of the DRB Hearing for the Site Development Plan. The Applicant shall give copies of the ONC Notification list and proof of all Notification mailings to the DRB for the Hearing record. Failure by an Applicant to show proof of Notification shall be grounds for a deferral of the Applicant's proposal at the DRB Hearing until proper proof of Notification is provided by the Applicant.

14. For projects located within the SU-3 for MU-UPT Buffer Zone, the Planning Department shall provide mailed Notification to property owners within one-hundred (100) feet of the boundaries of the proposed Site Development Plan Site, excluding public Right of Ways. Notification shall be postmarked ten (10) days prior to the DRB Hearing and shall include reduced copies of the proposed Site Development Plan, the Landscape Plan and contact information for the Planning Department and the Applicant.
15. The Applicant and the Assigned Case Planner shall attend the Development Review Board (DRB) Hearing regarding the Application for Site Development Plan Approval. The Assigned Case Planner shall state to the DRB whether or not the Site Development Plan meets the requirements of the 2008 USDP and shall provide written comments on any issues of non-compliance and/or other concerns. The Applicant must correct all issues of non-compliance before receiving an Approval of the Site Development Plan from the DRB.
16. The public will be given an opportunity to comment on the Site Development Plan at the DRB Hearing. The public comments will become part of the written record compiled on the Application for Site Development Plan Approval. The DRB shall not approve the Site Development Plan until it is in compliance with the 2008 USDP and all other applicable City regulations and requirements.
17. If the DRB finds that the Site Development Plan is in compliance with the 2008 USDP, all applicable City regulations and that the DRB has heard public comments, if any, the DRB shall approve the Application for Site Development Plan. All members of the DRB shall sign and date the Site Development Plan as Approved. Site Development Plan Approvals are valid for seven (7) years from the date of Approval.
18. If the DRB Site Development Plan Approval is appealed, within fifteen (15) days of the DRB Hearing, pursuant to the Appeal Process, and the Applicant chooses to proceed to Building Permit during the appeal, the Applicant does so at his own risk. If there is an adverse final decision on appeal the Applicant may be required to discontinue construction and/or remove improvements installed after obtaining the Building Permit. The Applicant shall sign an agreement with the City acknowledging this risk and hold the City harmless in all regards.
19. If the DRB finds that the Site Development Plan is not in compliance with the 2008 USDP and/or City requirements and regulations, but does not issue a Denial, the DRB shall provide the Applicant with a written list including the areas of non-compliance and reasons for delaying the Approval. A Deviation may be approved per Section F. of this chapter. The Applicant must bring the Site Development regulations before he can request a second or subsequent DRB Hearing. Compliance with the DRB list of issues does not create or imply any vested rights or Entitlements until the Application for Site Development Plan Approval has been signed-off on and dated as Approved by the DRB.

C. Site Development Plan Denial

If the DRB finds that the submitted Site Development Plan is not in compliance with the 2008 USDP and/or applicable City regulations and requirements, and the Applicant is

unwilling and/or unable to revise it accordingly, the DRB may issue a Denial of the Site Development Plan. The Applicant may not re-submit the Site Development Plan again within twelve (12) months of the Denial if the Site Development Plan is not substantially different from the Site Development Plan that was denied. This limitation shall not apply to applications brought forth by a representative of the City or to a Site Development Plan that has been substantially changed according to the Planning Director. A Denial may be appealed as per Section D., below.

D. Appeal Process

1. Appeals of a DRB decision on a Site Development Plan shall be pursuant to the Appeals Process set forth in Section 14-16-4-4 ROA 1994.
2. The appellant shall file an appeal within 15 days from the date the DRB signed the Site Development Plan as either Approved or Denied.
3. The appeal is to the City Council through the Land Use Hearing Officer (LUHO).

E. Administrative Amendment

1. An Applicant with an Approved Site Development Plan within the Uptown Area may request an Administrative Amendment if all the following applicable criteria are met:
 - a. Uses are consistent with those listed on the Site Development Plan that was Approved by the DRB; and
 - b. Buildings are of the same general configuration as depicted on the Site Development Plan that was Approved by the DRB; and
 - c. Total Building square footage is not greater than 10% above the square footage as shown on the Site Development Plan that was Approved by the DRB. However, under no circumstances shall the square footage for any level of a Building be allowed by Administrative Amendment to exceed the 90,000 square foot, one level, size limitation as stated in Chapter IV, Section E. of the 2008 USDP; and
 - d. Vehicular circulation is similar in its effect on adjacent property and Streets; and
 - e. Pedestrian access and circulation is similar or better than as on the Site Development Plan Approved by the DRB; and
 - f. The amended Site Development Plan is in compliance with the 2008 USDP and all other applicable City regulations and requirements. Requests for building additions, building renovations and/or site rehabilitations shall comply with the 2008 USDP for those parts of the site or building undergoing construction
 - g. The Planning Director finds that neither the City nor any person will be substantially aggrieved by the altered plan; and
 - h. Significant City infrastructure and Financial Guarantees are not required.
2. Neighborhood and property owner Notification is not required for Administrative Amendment requests that meet the above criteria.

3. Site Development Plan Administrative Amendments that do not meet the above criteria must proceed through the Review and Approval Process outlined in Chapter VII.

F. Deviation Process

The Deviation process allows review by the Planning Director, or his/her designee, or the EPC, limited to the requested deviation only.

1. The Planning Director, or his/her designee, may approved deviations from any dimensional standard that is less than or equal to 25%, except deviations pertaining to building height shall not be permitted for parcels zoned SU-3 for MU-UPT Buffer Zone that directly abut parcels zoned R-1 that are in use as single-family residences. Notification may be required at the discretion of the Planning Director. Any deviations pertaining to building height in the MU-UPT Buffer Zone and not prohibited by the above exception will require notification.
2. Any Deviation greater than 25% and up to 50% from any dimensional standard shall be reviewed by the EPC, except deviations pertaining to building height shall not be permitted for parcels zoned SU-3 for MU-UPT Buffer Zone that directly abut parcels zoned R-1 that are in use as single-family residences . Notification and advertisement shall be by the normal EPC process. Deviations greater than 50% shall not be approved.
3. Any non-dimensional Deviation from the USDP shall be considered on a case-by-case basis. An example of a non-dimensional deviation may be non-listed building articulation elements.
4. In order for the Planning Director or the EPC to grant a Deviation, the applicant must demonstrate that the applicable intent, goals and policies of the Uptown Sector Development Plan are still met and that the project is of a comparable quality and design, as otherwise required by the USDP, and will enhance the area. In addition, the applicant must also demonstrate at least one of the following:
 - a. The site is unique in terms of physical characteristics and requires the Deviation in order to be developed.
 - b. The site/project will serve as a catalyst to redevelopment or further development in the USDP area.
 - c. The site/project provides a needed service for the community, as identified in the USDP, CIP proposals, community survey or other similar source.
 - d. The project will preserve an historic building or structure or an archeological site.
5. Documentation of the approval of the Deviation must accompany a site development plan for approval by the DRB.