



Agenda Item # 32

MEMORANDUM

To: Metropolitan Planning Commission

From: Michael Reynolds, Planner II

Date: Tuesday, June 6, 2012

Re: Amendments to Downtown Design Review Board Administrative Rules –
6-A-12-OB

REQUEST:

Consideration of amendments to the City of Knoxville Downtown Design Review Board Administrative Rules and Procedures to provide the board the ability to table consideration of an application.

BACKGROUND:

The current Administrative Rules and Procedures allow the board to approve, deny or postpone an application. Postponements are allowed only when more information is required to make a decision.

The board would like applicants to have the ability to “table” applications if they are required to provide more information and it will take multiple months to complete or make final decisions regarding the application. If applicants do not have the option to table, the board would need to take action on the application every month for the sole purpose of postponement. This is time consuming for the board and is confusing for the public because they do not know when action will be taken on the application.

The language for the amendment to allow tabling is based on the Metropolitan Planning Commission’s Administrative Rules and Procedures, with a few minor modifications. The Downtown Design Review Board added language to explain how an application is requested to be tabled and specifies that an application can only be added or removed from the table at the request of the applicant.

STAFF RECOMMENDATION:

APPROVE the amendments to the City of Knoxville Downtown Design Review Board Administrative Rules and Procedures.

Draft Amendment to the Downtown Design Review Board
Administrative Rules and Procedures
Which is Exhibit E in MPC's Administrative Rules and Procedures

(**Bold** text is new)

ARTICLE V – HEARING PROCEDURES,
SECTION 5 - DISPOSITION

As to each application for Certificate of Appropriateness, the Board shall either: (a) approve as requested; (b) approve subject to conditions; (c) approve a modification of the application; (d) deny; **(e) table**; or **(f) postpone**, based only upon the unavailability of sufficient data upon which to make a decision. Any denial shall set forth the reasons therefore, in conformity with the Knoxville Zoning Ordinance.

A. **Postponement**

Postponements of an application for any proposal for Downtown Design Review Board (BOARD) action may be permitted as follows:

1. **Every motion to postpone action on an application shall include the date of the monthly public meeting at which the application will again be considered.**
2. **An applicant may postpone an item until the next scheduled public meeting the first time it appears on the BOARD agenda without BOARD debate or action. The intent to postpone must be submitted in writing, or by facsimile, and received by the Metropolitan Planning Commission no later than 3:30PM on the second Monday of the month of the meeting. Any request received after this deadline must be acted upon by BOARD consistent with these administrative rules and procedures.**
3. **Applicants postponed as described in A.2 may not be returned to the agenda until the meeting to which they have been postponed.**

B. **Tabling**

All tabled applications shall be listed on each month's agenda for the purpose of review only.

1. **Adding to the Table – An applicant can request the application be moved to the table. This action must be approved by the BOARD.**
2. **Removal from the Table – Proposals shall be removed from the table and placed on the BOARD agenda for consideration as follows:**

At the request of the applicant, during the monthly review of tabled proposals, the Chair or any two members of the BOARD may request that an application be removed from the table and placed on the agenda for consideration. Such application shall be placed on the agenda for consideration at the next regularly scheduled monthly public meeting. Public notice of the application by publication will be provided in accordance with Article II hereof.

3. **Removal from the Table for Purpose of Withdrawal – The applicant may submit a written request to the BOARD staff to remove the proposal from the table for the purpose of withdrawal. If the Chair or any two members of the BOARD consent to the request prior to the Closing Date, the application will be placed on the agenda for the next regularly scheduled monthly public meeting for consideration of withdrawal only. Public notice of the application by publication shall not be required.**