

153.053(E)

(E) *Final development plans.* An application for final development plan review shall include the submission requirements set forth in § [153.054\(C\)](#) and shall be submitted for review according to the following. An application for final development plan review shall be required for each phase of development. The applicant shall also submit a final subdivision plat for simultaneous review unless a final plat has already been approved or is not required for completion of the project.

(1) Area included in final development plan. The area included in an application for final development plan review shall be in substantial compliance with the phasing plan approved as part of the preliminary development plan.

(2) Review procedures. The application, including any conditional use application, shall be reviewed according to the following procedures:

(a) Staff review. After determining that an application is complete according to division (B)(1) of this section, staff shall forward the application to the appropriate city departments and, if determined necessary, professional consultants for review and comment.

1. The application shall be reviewed for compliance with the approved preliminary development plan, the requirements of this Code and other applicable city codes.

2. During the course of their review, the staff may meet with the applicant to review the application, and the applicant may revise the final development plan application in response to staff's comments.

3. The application and supporting documents, staff comments, any other reports and accompanying documents (such as, but not limited to, letters from residents or maps) shall be transmitted to the Planning and Zoning Commission.

(b) Review by Planning and Zoning Commission. The Planning and Zoning Commission shall review the application to determine if it complies with the approval criteria set forth in § [153.055\(B\)](#). The Planning and Zoning Commission shall take into consideration any submitted staff reports when reviewing the application.

1. Request for additional information/revisions. In their review of an application, the Planning and Zoning Commission may request additional information they deem necessary to adequately review and evaluate the proposed development, and/or may request the applicant to revise elements of the application. When this occurs, the Planning and Zoning Commission may table the application.

2. Timeframe for review of tabled case. Within 60 days, the applicant will, upon written request to the Director of Planning be entitled to a fixed hearing date. The case will be scheduled for the next regular meeting of the Planning and Zoning Commission but not less than 30 days following receipt of the written request.

3. Conditional use review. If the application includes conditional uses, the Planning and Zoning Commission shall review the application according to the procedures set forth in § [153.236](#) including the requirement for a public hearing. During their review of a conditional use, the Planning and Zoning Commission may prescribe appropriate conditions, stipulations, safeguards and limitations on the conditional use as they may deem necessary and in conformance with the intent and purposes of § [153.236](#).

4. Compliance with the preliminary development plan. In reviewing the application, the Planning and Zoning Commission shall determine if the final development plan substantially complies with all specific requirements, the purposes, intent and basic objectives of the preliminary development plan, and any commitments made or conditions agreed to with the adoption of the preliminary development plan and if it represents an expansion and delineation of the approved preliminary development plan.

a. The Planning and Zoning Commission may determine that the proposed plan complies with the preliminary development plan and may proceed to review the Final Development Plan in accordance with the procedures of this section.

b. The Planning and Zoning Commission may, in reviewing the final development plan, approve a modification of a provision of the development standards text if they determine that all of the following provisions are satisfied:

(i) The Planning and Zoning Commission determines that, for this PD, the code compliance is not needed in order to ensure that the PD is consistent with the Community Plan and compatible with existing, approved, or planned adjacent development;

(ii) The Planning and Zoning Commission determines that the proposed modification does not significantly alter the list of permitted or conditional uses, cause an inappropriate increase in density or cause inconsistencies with the Community Plan;

(iii) The proposed modification results in a development of equivalent or higher quality than that which could be achieved through strict application of the requirement(s);

(iv) The principles of § [153.052\(B\)](#) are achieved; and

(v) The development, as proposed on the final development plan, will have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.

c. Any proposed modification to a preliminary development plan that fails to meet the above criteria shall require a zoning amendment to the preliminary development plan according to § [153.234](#).

5. Compliance with current city-wide standards. In the event development standards or construction standards that apply city-wide are updated, all subsequently approved final development plans shall comply with the updated standards when the Planning and Zoning Commission determines that such updated standard(s) will not cause undue hardship.

(c) Action by Planning and Zoning Commission. The Planning and Zoning Commission shall take one of the following actions:

1. Approve the final development plan as submitted;
2. Approve the final development plan with modification(s) as agreed to by the applicant; or

3. Disapprove the final development plan when the application does not demonstrate that the required standards have been met. Disapproval of the final development plan shall terminate the process. The applicant may revise the final development to respond to the Planning and Zoning Commission's concerns and resubmit the plan. Such action shall be considered a new application for review and shall contain all the information required for final development plans, including payment of the application fee.