



**Decision of the Appeals and Variance Hearing Officer**

**Appeal of Zoning Administrator's Decision by Citizens for Responsible Government**

Hearing Date: 21 September 2011

The following items constitute those things being appealed under current Code (as quoted from the Zoning Administrator's Interpretation Memo to Jim Bolser, dated 2 August 2011):

- 1) .....*the Master Plan is not required at this time.*
- 2) .....*Galena Park Blvd. extension may be located within the required buffer but may not count towards the minimum buffer requirement.*

Regarding the first item of appeal. Although there are a number of code citations that discuss the requirement for a Master Area Plan (MAP) to be completed in conjunction with property development, there is no clear and specific requirement in the current city code that requires a MAP to be completed prior to the formal approval of the minor six lot Project Olympus Subdivision plat which can and should be considered an integral part of the total MAP process. The formalized MAP process will go forward from this point with the public involvement normally associated with this type of development consistent with the City Code. Inasmuch as the formalized MAP approval process is in its infancy, the appeal that the completed MAP process is required at this time in the process is **DENIED**.

Regarding the second item of appeal. The required buffer on the south end of the Galena Hills Subdivision is clearly defined as being an average 200 foot wide, with a minimum 100 foot wide recreational or public use space with extensive landscaping. Reading of the City Code makes it clear that the required buffer is recreational or public use space, extensively landscaped to assist in transitioning from residential to denser development. In turn, public use space means an area of land set aside, dedicated, designed or reserved for public or private use for recreational or amenity activities, including but not limited to parks, plazas and patios; street cross-sections shall not be considered public use space. Galena Park Blvd., a street cross-section, within the Project Olympus Subdivision (unrecorded) encroaches within the 100 foot minimum segment of the required buffer. Inasmuch as the street location within the minimum buffer is inconsistent with the definition of a buffer as recited above, the appeal that the street should not be located within the 100 foot buffer area is **UPHELD**.

Decision date: 27 September 2011

  
Rodney L. Dahl, Hearing Officer