

AGENDA



Thursday, June 7, 2007

**Watershed Protection and Development Review
RECOMMENDATION FOR COUNCIL ACTION**
Item No. 53

Subject: Approve an ordinance amending Ordinance No. 20060622-125 extending the expiration date to June 22, 2008 for the floodplain variance granted for construction of a residential condominium at 1605 Houston Street.

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required.

For More Information: George E. Oswald, P.E., D.WRE; 974-3369; Gary M. Kosut, P.E., 974-3374; Ray Windsor, 974-3362

Prior Council Action: Council approved the same variance request on three previous occasions, July 18, 2002 (Ordinance No. 020718-81), February 17, 2005 (Ordinance No. 020217-48), and June 22, 2006 (Ordinance No. 20060622-125).

The applicant, Loomis Austin, Inc., on behalf of the property owner, McClure Bintliff, BBR, Inc., has an approved Site Plan Permit (SP-04-0019C) for construction of a residential condominium at 1605 Houston Street. The site plan proposes a modification of the site topography to create a flood-flow bypass channel that will remove a significant portion of the 25-year and 100-year floodplains from the site, leaving additional area open for development.

Council approved a substantially identical variance request for this proposed development on July 18, 2002. A condition of that variance approval was that this project must be permitted for construction on or before July 11, 2003. The applicant did not obtain all permits by that date and the variance expired. Again in 2005, Council approved the variance request with the condition that permits for construction be obtained no later than February 28, 2006. The applicant did not secure the required permits by that date and the variance expired. Again last year Council granted the variance with the condition that the required permits be obtained by June 22, 2007. However, the permits have not been obtained to date. Approval of the subject amendment to the variance ordinance will provide the developer another year to obtain required permits.

Amendment to the Ordinance No. 20060622-125

The amendment to the ordinance is in the form of revised wording that adjusts the expiration date of the ordinance in the event that the required permits are not secured by the current expiration date. If this request is approved, a new ordinance will be created to extend the provisions of Ordinance No. 20060622-125 and include the following revisions:

- The expiration date will be revised to June 22, 2008.
- Additionally to clarify intent, Part 4 (B)(2) will be revised to read: "Decreased flood elevations on one other existing apartment complex and other single-family lots immediately adjacent to Houston Street." The current wording is "downstream of Houston Street." There are a few single-family lots on the upstream side of Houston Street that would be positively affected by the channel work, should it finally occur.