

First & Last Name

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Summary

It has become apparent that the terms of the Strategic Growth Initiative and the will of the voters is not being honored and direction needs to be given to staff as to what projects are subject to the new ordinance.

History/Background

The Strategic Growth Initiative provides that “Any building permit that ... was **legally and formally** applied for prior to adoption of this ordinance, may be continued without obtaining an allocation.” The ordinance does not define “legally and formally” and direction needs to be given to staff because it is evident that some projects have been allowed to submit a building permit application without having followed the normal process which has always included major site plan approval prior to building plan review.

Prior to May of this year, practice and policy required formal approval of the major site plan application prior to submission of the building permit application and building permit plan review. From May 15, 2019 to July 2, 2019, projects for more than 1,200 apartment units have submitted building permit applications. Major site plan applications for those projects were in various stages of review, but not far enough along in the review process to allow acceptance of the building permit application or building plan review.

Identify Financial Implications

None

Preferred Timeframe

Either October 21, or October 28 or at a special session to be called immediately, to give direction to staff that clarifies to staff what the “legal and formal process” means.

Proposed Actions/Recommendation (study session or regular meeting)

The “legal and formal process” giving permission to continue in the Strategic Growth Initiative should be defined as including, but not limited to, final major site plan approval prior to building permit application submittal and building permit plan review. Any project which did not have final major site plan approval on or before July 12, 2019 prior to submitting a building plan review must stop work until it has received the proper number of allocations. If any of said projects include adding 40 or more units, it must also have a public hearing and City Council approval prior to applying for allocations, as specified in the ordinance.

Should any projects be determined to already have “broken ground” prior to October 18, 2019 and cannot be reversed, the number of residential units being created must come off of the total number of allocations available for 2020.