

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Scott Gustin
DATE: November 17, 2020
RE: 20-0522CA; 75 Cherry Street

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Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: FD6 Ward: 3C

Owner/Applicant: BTC Mall Associates, LLC / FFF, Inc.

Request: Amend zoning permit 17-0662CA/MA phasing schedule.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews)

Background Information:

This application has been pending since November 20, 2019. The applicants requested deferral of Development Review Board review in January, 2020. Since then, the COVID-19 pandemic and related state of emergency have taken place. The applicants requested and received a 3-month deferral August 4, 2020. The applicants have since filed a new zoning application for redevelopment of the property. As a result, the applicants are seeking a second 3-month deferral of this pending phasing application. Presumably, it will become moot if the new zoning application is approved.

Per Sec. 3.2.5, *Completeness of Submission, Administrator's Action*, action may be deferred for up to 6 months. Up to two 3-month extensions may be granted by the Development Review Board. The Coronavirus pandemic led to a declared state of emergency that suspended permit timelines for 90-days. Between the original 6 months, the additional 3 months associated with the state of emergency, and the initial 3-month extension, this application will expire this month unless a second 3-month extension is granted by the Development Review Board.

As noted above, a second (and final) 3-month extension may be granted by the Development Review Board. If the application lay dormant for the initial 3-month extension, a second extension may not be granted. Such is not the case here. The applicants have worked to assemble project plans for redevelopment of the project site and have submitted an application for review. A second and final 3-month extension may be granted by the Development Review Board.