

Council Meeting June 12, 2014
Item 620

Motion: That the Council adopt an order that states:

A. The applicant (Rob Humphrey) has withdrawn the underlying application for a zone change, land division and adjustment for a site located at 3058 SE Woodstock Boulevard (LU 13-219755 ZC LDP AD).

B. The appellant (Eastmoreland Neighborhood Association) has asked the Council to remove the appeal from the Council agenda and give it no further consideration.

C. As a result of the applicant's and appellant's actions, the Council lacks jurisdiction to address the substantive issues raised in the appeal or to approve or deny the underlying application, and the Hearings Officer's decision is void and of no effect.

D. In adopting this order, the Council expressly takes no position on the appellant's claims of error concerning the Hearings Officer's decision or the substantive merits of the Hearings Officer's decision.

E. The effect of the Council's order is that the zoning and comprehensive plan designation for the site remains unchanged. The site remains Residential 7,000 (R7) with a comprehensive plan map designation of Residential 5,000 (R5) unless or until the zoning/plan designation is changed by either: (a) a future application for a quasi-judicial comprehensive plan map amendment and/or zone change; or (2) a future legislative revision to the comprehensive plan or zoning maps that includes the site.

Moved by Fritz and seconded by Fish.

The Council voted as follows:

Aye: Saltzman, Fish, Novick, Fritz, Hales.

Disposition: "Application and Appeal Withdrawn."