

October 18, 2023
CHANGES/MODIFICATIONS TO
PLANNING COMMISSION AGENDA

Agenda Item No. 2

1014 Sibley Street Subdivision (MSTR23-00007)

Revisions to Conditions

Condition No. 3

The project approvals granted under this staff report (Rezone, Vesting Tentative Subdivision Map, Planned Development Permit and Design Review) shall remain in effect for two years from final date of approval **by City Council (October 18, 2025)**. If a building permit is not issued within the identified time frame and/or the applicant has not demonstrated substantial progress towards the development of the project, this approval shall be considered null and void. An extension to the identified time frame may be granted by the Planning Commission. If after approval of this project, a lawsuit is filed which seeks to invalidate any approval, building permit, or other construction permit or entitlement required in connection with any of the activities or construction authorized by the project approvals, or to enjoin the development contemplated herein, or to challenge the issuance by any governmental agency of any environmental document or exemption determination, the project approvals shall be tolled during the time that any litigation is pending, including any appeals.

Condition No. 10

This project shall be subject to all applicable City-wide development impact fees, unless exempt by previous agreement. This project shall be subject to all applicable City-wide development impact fees in effect at such time that a building permit is issued. These fees may include, but are not limited to, fees for fire protection, park facilities, park equipment, Humbug-Willow Creek Parkway, Light Rail, TSM, capital facilities and traffic impacts. The 90-day protest period for all fees, dedications, reservations or other exactions imposed on this project will begin on the date of final approval **by City Council (October 18, 2023)**. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.