

Keiths Comments

After reading your staff notes and digesting part of our conversation yesterday morning, there are two points that we seem to be in conflict when interpreting the RZR and should be reconsidered;

1. 5.6.3 Site Plan Review Standards as noted under Conditional Use Review. This section is clear that conditional use is **not subject to separate site plan review under Section 5.5** and this is clearly stated in 5.6.3. As I stated previously, the only purpose of mentioning SPR is to set a standard for conditions if the DRB is to impose the same. Further to this, the DRB can waive these standards as they see fit, specifically for project that are subject to Subdivision review. I see no justification to holding any applicant to your interpretation that SPR is required when conducting a CUR.
2. Moving to 5.5, Site Plan Review, section 5.5.1 lays out what uses are exempt from SPR and by default what is required. SPR is typically associated with commercial projects, this is a fact as conveyed in the exemptions that focus on residential uses. The applicability is clear that SPR is for "**the establishment or expansion of permitted uses**" with no mention of CUR. This is how it should be as under the Sub Regs, most of the points discussed in the SPR standards are required of the applicant, sans waiver requests.

I agree with that once the application is before the DRB for review, that body can adjust most of the requirements (road standards is one exception) of the application but obviously within reason and not subject to litigation. Yes, squishy but the intent is to give the DRB wide latitude when reviewing and placing any proposed conditions on a particular application.