



OFFICE OF THE CITY ATTORNEY

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TO: Mayor and Council
FROM: Charles I. Wadams, City Attorney
DATE: June 12, 2023
SUBJECT: Consideration of SAPFY2023-0001 (The Residences at River Club Specific Area Plan)

ACTION REQUIRED: Within the City Council's discretion.
RECOMMENDATION: Considering and processing the application.
FISCAL IMPACT/BUDGET IMPLICATIONS: Unknown.

BACKGROUND: Trevor Nicoll is requesting a Specific Area Plan for 22.68 acres located at 6515 W. State Street. The Planning and Zoning Commission recommended approval with conditions. The matter is in front of City Council on June 12, 2023. If the City Council were to approve the application after the public process, it is anticipated that there would be a rezone ordinance and a development agreement. Several legal issues have been raised.

ANALYSIS: Two legal issues raised are ownership of the property and the changes to the application. I requested from the applicant's attorney more information in the delegation of authority, which was received by the City. In the resubmitted delegation of authority and other documentation, the applicant has provided *prima facie* evidence of ownership and control of the property. Therefore, the ownership issue has been sufficiently addressed to not delay this application.

It is also my legal opinion that the changes to the application are not substantial, as that term is defined. So the process does not need to start over on this basis. Therefore, I am recommending that this application be heard and processed by the City Council beginning on June 12, 2023.

MEMORANDUM ON SAPFY2023-0001 (THE RESIDENCES AT RIVER CLUB SPECIFIC AREA PLAN)