

*McCracken County
Planning Commission*



Application Packet
For A Commercial
Development Plan

Last Update: 2/8/19

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Color Codes

Blue Box **Tips For Getting It Right;
Or Answers To A Frequently Asked Question**

Red Box **Critical Information – Pay Special Attention**

Red Letters **Sheet To Be Returned With Application**



Planning Commission

McCracken County, Kentucky
3700 Coleman Road
Paducah, KY 42001
v (270) 448-0125
f (270) 443-0803
gcannon@mccrackenky.com

DO NOT WRITE IN THIS AREA

Pre-Conf Date _____

App Date _____

Hearing Date _____

APPLICATION FOR A DEVELOPMENT PLAN

P L E A S E P R I N T O R T Y P E

| | |
|-----------------------|----------------------------|
| Applicant Information | _____ |
| | Name _____ |
| | Mailing Address _____ |
| | Daytime Phone Number _____ |

| | |
|----------------------------|----------------------------|
| Property Owner Information | _____ |
| | Name _____ |
| | Mailing Address _____ |
| | Daytime Phone Number _____ |

| | |
|----------------------|---|
| Property Information | _____ |
| | Property Address _____ |
| | If Platted, Plat Book Number, Page Number _____ |

| | |
|----------------|---|
| Current Zoning | Current Zoning - |
| | <input type="checkbox"/> AG <input type="checkbox"/> RR <input type="checkbox"/> UR <input type="checkbox"/> C <input type="checkbox"/> ML <input type="checkbox"/> MH <input type="checkbox"/> MHP |

| | |
|------------------|--|
| Development Plan | Reason for Submitting Development Plan |
| | _____ |
| | _____ |

I hereby certify that the information contained in this application, the attached development plan and all other required submittals in support of this application, are to the best of my knowledge and ability true and correct.

Signature of Applicant

Date

RETURN THIS SHEET WITH THE COMPLETED APPLICATION

Development Plan Checklist

THE PLANNING COMMISSION WILL GENERALLY HEAR ALL APPLICATIONS WITHIN 60 DAYS FROM THE RECEIPT OF THE COMPLETED APPLICATION.

THE FOLLOWING INFORMATION MUST ACCOMPANY AN APPLICATION TO THE McCracken County Planning Commission and is to be provided by the applicant:

- Completed Application. The applicant must submit the application form in its entirety. Incorrect or inaccurate information may result in dismissal of the application.
- A copy of the latest deed or plat (plat preferred) for the property or properties involved in the request.
- The appropriate drawings showing all existing and proposed improvements on the property, with dimensions and distances to property lines, all abutting streets, and all elements of the Preliminary Development Plan.
- A completed "Certificate of Land Use Restriction". A recording fee of \$16.00 is required per KRS 100.3683.
- A completed "Ownership & Maintenance Certification".
- Check for the Development Plan and Full Site Plan with Storm Water and/or Erosion Control and any other applicable fee as established in the fee schedule in Section 62 of the McCracken County Subdivision Regulations.

THE FOLLOWING INFORMATION WILL BE PROVIDED TO THE APPLICANT BY THE McCracken County Zoning Administrator's Office:

- An Application Packet with an application form, sample letters and sketches and documents you will need for the hearing to prepare for the public hearing.
- Hearing date, which will be the next applicable agenda date. All applications will be heard within 60 days from receipt of the completed application.

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

2. ADDRESS OF PROPERTY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. TYPE OF RESTRICTION (S)

___ Zoning Map Amendment
to ___ Zone
___ Development Plan
___ Unrecorded Subdivision Plat
___ Variance
___ Conditional Use Permit

(Check all that apply):

___ Conditional Zoning Condition
___ Other
specify _____

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

McCracken County Zoning Administrator
3700 Coleman Road
Paducah, KY 42001

Form of Certificate per KRS 100.3683
A Recording Fee of \$16.00 shall be collected at the time application is made (KRS 100.3681 (1), (2))

Signature of Completing Official

Name and Title of Completing Official
(Type or print)

DECLARATION OF MAINTENANCE OBLIGATIONS

THIS DECLARATION OF MAINTENANCE OBLIGATIONS (“Declaration”) is dated the ____ day of _____, 2____, and issued by _____ (hereafter referred to as the “Owner”).

WHEREAS, Owner is the owner or real property generally located at _____ and further described as follows:

_____ (hereafter referred to as the “Real Property”).

WHEREAS, Owner has submitted a stormwater management plan (“Plan”) to the McCracken County Fiscal Court (“County”) via submittal to the McCracken County Planning Commission for approval under the McCracken County Zoning Ordinance, Article VI – Stormwater Conveyance and Management (“Ordinance”).

WHEREAS, Under Section 66 – Storm Water Management Plan of the Ordinance, the Plan must address the ownership and maintenance responsibilities for all stormwater management control structures for the development.

WHEREAS, the County’s approval of the Plan is contingent upon the Owner signing, issuing and recording this Declaration, and accepting all maintenance obligations for the stormwater management facilities located on the Real Property (the “Facilities”).

NOW, THEREFORE, in consideration of the foregoing premises, and further valuable considerations, the adequacy and sufficiency of which is hereby acknowledged by all parties hereto, it is agreed as follows:

1. Owner shall perpetually maintain the Facilities in good repair, condition and working order, and shall furnish all maintenance, repairs, replacements (including replacement of the Facilities at the termination of their useful life), parts and services required therefore, at Owner’s expense. Without limiting the foregoing, Owner shall: (i) establish sufficient vegetative cover to control erosion and promptly repair any eroded areas; (ii) regularly cut, trim and maintain the vegetative cover of the basin; (iii) periodically visually inspect any detention basin and all discharge pipes; (iv) remove any sediment build-up in any detention basin when capacity is reduced to maintain the approved design volume; (v) clean out any Facilities and drainage pipes as needed.
2. If any portion of the Real Property is conveyed to a successor, assign or transferee of the Owner, or if any other person or entity obtains or receives an ownership interest in the Real Property, such successor, assign, transferee, person or entity shall assume all of the Owner’s obligations under this Agreement with respect to all Facilities located on or about the Real

Property received by such successor, assign, transferee, person or entity. Owners of fractional or undivided interests shall be jointly and severally responsible.

3. The obligations of the Owner, the Owner's successors, assigns, or transferees, or any other person or entity that obtains or receives an ownership interest in the Real Property under this Declaration shall be binding upon their respective successors, assigns, and transferees, it being the parties' intent that the obligations in this Declaration constitute covenants running with and binding upon the land. Upon execution, Owner shall record this Declaration in the McCracken County Clerk's Office.
4. Nothing in this Agreement shall be construed to be an acceptance of the Facilities by the County, ownership of the Facilities by the County or use of the Facilities by the County, or any responsibility of the County for the maintenance or inspection of the Facilities. Owner, its successors and assigns shall be solely responsible for maintenance and operation of the Facilities and shall indemnify and hold harmless the County from all claims, including those for property damage, personal injury and death, relating thereto.

I, hereby execute this certificate on the ____ day of _____, 2____.

STATE OF KENTUCKY

COUNTY OF McCracken

The foregoing document was acknowledged before me by _____

On this the ____ day of _____, 20 ____.

Notary Public

Notary Expires

Step-by-Step Process Short Description

1. Arrange a pre-application conference with the Zoning Administrator. You will receive an application and all of the requirements. Please call (270) 448-0125 or email to gcannon@mccrackenky.com
2. Complete an application. Include:
 - a. A completed Application Form
 - b. A copy of the deed or plat (plats preferred)
 - c. A Development Plan
3. Only after you have completed step two above, will you be placed on the Planning Commission Agenda.
4. The Planning Commission will receive and file the application and set a date for the public hearing.
5. Attend the public hearing and present your case.

Frequently Asked Question:

This looks complicated; do I need a team of lawyers and engineers to prepare my application?

Answer: No. It is not required. In modest developments, property owners can usually present a very competent case for the change. But some people do use attorneys and engineers to help them present the very best case they can. They often do this if the development is so large that an engineer or other professionals are already involved. If you feel that you cannot do this, and the project is critical to you economically, then get professional help.

Notifying the Neighbors

As required by the ordinance, the adjacent property owners shall be notified by First Class Mail. It is your responsibility to accurately identify all of the adjacent property owners.

The Zoning Administrator will write and mail the letters to the addresses you supply.

The adjacent property owners are the property owners within 200' on either side of your property, to the rear of your property, and properties across the street qualify as "adjacent" for the purpose of the case. Also, if the property abuts another City or County, they must be identified.

There is only one approved method of determining the adjacent property owners:

Visit the Property Valuation Office, located in the Court House Annex at 621 Washington Street to research the addresses of all of the owners.

| | P L E A S E Adjacent Owner Name | P R I N T O R T Y P E Property | Mailing Address |
|---|------------------------------------|-----------------------------------|--------------------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |

USE ANOTHER SHEET IF NECESSARY

RETURN THIS SHEET WITH THE COMPLETED APPLICATION

Adjacent Property Owners Affidavit

Commonwealth of Kentucky
McCracken County

This _____ Day of _____, _____ (Day)
(Month) (Year)

I, _____
(Owner or Authorized Agent)

hereby make oath that the list of adjacent property owner(s) within 200' (two-hundred feet) of all portions of the subject property, including the subject property, all property immediately across the street or road of the subject property, other city or county jurisdictions which abut the subject property, is a true and accurate list as submitted with the zoning change application.

(Owner or Authorized Agent)

COMMONWEALTH OF KENTUCKY

COUNTY OF _____

Subscribed and sworn to before me this ___ day of _____, 20 ____, in my County and State aforesaid, by the forenamed principal.

Notary Public

My Commission Expires: _____

RETURN THIS SHEET WITH THE COMPLETED APPLICATION

The Development Plan

The content of a development shall include:

1. A title block containing the plan name, development plan type (preliminary or final), name and address of developer and plan preparer, and a written and graphic scale;
2. The boundary of the subject property and the zoning and owner names and addresses for all adjoining property;
3. Date, appropriate North point, and graphic scale.
4. A vicinity, or key map, oriented in the same direction as the design scheme, scale not smaller than 1"= 1,000'.
5. Topography, with contours at an interval of not greater than two (2) feet. USGS quadrangles may be used as a base. This requirement may be waived by the discretion of the County.
6. Drawn to a scale of one hundred (100) feet to one (1) inch or larger.
7. Location, arrangement and approximate dimensions of existing and proposed streets, roads, driveways, sidewalks, and parking areas. As well as profiles and cross-sections of proposed streets or roads.
8. Perimeter screening, recreational, and other open spaces.
9. Approximate size, location, floor area, and use of proposed and existing buildings.
10. Location of lot lines for projects anticipated to involve land subdivision.
11. Location and dimensions of all existing and proposed easements.
12. Location and sizes of existing and proposed utilities.
13. Minimum building setback lines.
14. Floodplain as determined by Federal Emergency Management Agency, (FEMA.), and classification, as per FEMA codes – if applicable.
15. Approximate location and dimensions of storm drainage areas, conceptual drainage controls and stormwater retention – if applicable.

16. Plats shall be submitted not larger than 24 x 36 inches in size. Often plans can be submitted on a standard 8 1/2 x 11 sheet of paper.
17. Owners Certificate: "I (We) hereby certify that I (we are) the owner(s), or authorized agent(s), of the property shown and described hereon, and that I (we) hereby adopt the Development Plan with my (our) free consent, with the exception of the such variances or other conditions of approval, if any, as noted hereon or in the Minutes of the McCracken County Planning Commission. I (We) further understand that building permits for construction can only be issued following this plan and that amendments to the plan can be made only by the procedure described in the McCracken County Zoning Ordinance."
18. Chairperson's Certificate: "I hereby certify that the Development Plan show hereon has been found to comply with the McCracken County Zoning Ordinance, with the exception of such variances or other conditions of approval, if any, as are noted hereon or in the Minutes of the McCracken County Planning Commission and that it has been approved as the official plan."

Tips For Preparing An Acceptable Drawing

A sample drawing is included with this packet for you to use a guide.

You may purchase inexpensive drawing aids, such as scales and/or graph paper, at local office supply stores. Another good place to go is Paducah Blueprint, located at 999 Broadway. They have everything you will need to prepare an acceptable document.

Also readily accessible graphics programs can be found that work nicely.

S U B M I T

10

C O P I E S W I T H
T H E A P P L I C A T I O N

The Planning Commission Meeting

Only after a proper application is accepted by the Planning Commission, will a Development Plan be placed on the agenda.

The meeting, conducted by the Planning Commission Chairperson, is generally an informal affair, but will be orderly. You will be asked to present your case. You should cover the following information:

1. Identify the existing zone of the subject property.
2. Characterize the site conditions of the subject property.
3. Present the development plan. Show your drawing, and describe the future use the property. You should describe future buildings and their use, parking, traffic flow, storm drainage controls, and any landscaping, fencing or screening.

Remember, the commission can demand conditions. Think ahead about what is really important to the project and what conditions you are willing to negotiate.

Before Development Plans are approved and granted by the Planning Commission, they shall consider and find:

1. That the proposal is in compliance with the comprehensive plan.
2. That the proposal is in compliance with all zoning requirements.
3. That the proposal is in compliance with all other McCracken County Ordinances and policies.
4. That in the granting of the request for special consideration and relief, the purpose and intent of this ordinance is not subverted or undermined; but rather that the development plan promotes efficiency and flexibility in development of the site; and that the public's interest is secured.

Contact List

Zoning Administrator's Office

Voice (270) 448-0125

Fax (270) 444-4737

Email gcannon@mccrackenky.com

Greg Cannon

Excerpt from McCracken County Zoning Ordinance

Section 74 – Amendments and Development Plans

- I. **Intent.** The intent of this section is to provide guidance for the zoning ordinance amendment processes, including text and map amendments. It shall also be the intent of this section to guide the use of development plans, which may be used for a variety of planning and zoning processes, including map amendments. The Planning Commission in its obligation to promote the public health, safety, and general well-being shall consider, but not be limited to, the following in its amendatory and development plan considerations:
 - A. The conservation of natural resources, which may include various wildlife forms, vegetation, steep slopes, surface water, ground water, floodplain, soils, geologically sensitive areas, air quality, noise, sufficient sunlight exposure, etc.;
 - B. The conservation of sites that have historic, architectural, or archeological value;
 - C. The provision for safe, efficient vehicular and pedestrian transportation, off-street parking and loading within the development and the community and neighborhood;
 - D. The provision for sufficient open space and recreational opportunities;
 - E. The compatibility of the overall site design (buildings, parking, circulation, signs, screening, and landscaping) and land use with the existing and projected future land use of the area;
 - F. The provision for adequate drainage facilities to prevent runoff problems during times of peak precipitation and flooding to the site and the surrounding community/neighborhood;
 - G. The provision that infrastructure needs shall, as they relate to essential services and infrastructure systems, be adequately addressed;
 - H. The development plan’s compliance with the comprehensive plan and all applicable regulations as per County subdivision regulations.
- II. **Initiation and Actions Required for Amendment.** This zoning ordinance, including both the text and the zoning map, may be amended, supplemented, changed, modified, or repealed. A proposal for amendment to the zoning map may originate with the Planning Commission, the Fiscal Court or with the owner of the property in question. A proposal for amendment to the text of this zoning ordinance may originate with the Planning Commission, or the Fiscal Court. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption. The Planning Commission shall then hold at least one public hearing as required by KRS Chapter 100.
- III. **Public Notice of Proposed Map Amendments**
 - A. Map Amendment Public Hearings.

1. The Planning Commission shall hold at least one public hearing after notice as required by KRS Chapters 100 and 424 and make recommendations to the Fiscal Court regarding any proposed amendment of the zoning map.
- B. Map Amendment Findings.
1. Before any map amendment is granted, the Planning Commission must find that the map amendment is in agreement with the comprehensive plan, or, in the absence of such a finding, that one or more of the following apply, and such findings shall be recorded in the minutes and records of the Planning Commission:
 - a) That the existing zoning classification given to the property was inappropriate or improper; or
 - b) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of such area.
- IV. **Action by Fiscal Court on Map Amendments and Findings Required.**
- A. Zoning Map Amendment Procedure.
1. Proposed map amendments shall follow the alternative zoning map amendment procedures set out in KRS 100.2111. The Planning Commission recommendation relating to the proposed amendment shall become final and the map amendment shall be automatically implemented subject to the provisions of KRS 100.347, and as set forth in the Planning Commission recommendations, unless within twenty-one (21) days after final action by the Planning Commission:
 - a) Any aggrieved party that files a written request with the Planning Commission that the final decision shall be made by the Fiscal Court; or,
 - b) The Fiscal Court files a notice with the Planning Commission that the Fiscal Court shall decide the map amendment.
- B. If an aggrieved party files a written request pursuant to § 74. IV. A. (a) or if the Fiscal Court files a notice pursuant to § 74. IV. A (b), then before a map amendment is granted, the Fiscal Court must find that the amendment is in agreement with the comprehensive plan, or, in the absence of such a finding that:
- a) The existing zoning classification given to the property was inappropriate or improper; or,
 - b) There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the comprehensive plan which have substantially altered the basic character of such an area.
- C. It shall take a majority of the entire Fiscal Court to override the recommendation of the Planning Commission. Unless a majority of the entire Fiscal Court votes to override the Planning Commission's recommendation, such recommendation shall become final and effective, and if a recommendation of approval was made by the Planning Commission, the ordinance of the Fiscal Court adopting the zoning map amendment shall be deemed to have passed by operation of law.
- V. **Variances and Conditional Use Permits.** The Planning Commission may hear and finally decide applications for variances or conditional use permits when a

proposed map amendment requires one or more variances or conditional use permits. The Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment pursuant to KRS Ch. 100 and this zoning ordinance. The applicant for the map amendment may elect to have any variances or conditional use permits for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the map amendment, or by the Board of Adjustment as otherwise provided for by KRS Ch. 100 and this zoning ordinance.

VI. **Development Plans Requirements**

A. **When Required.** A development plan shall be required in the following instances:

1. A property owner applies for a map amendment, except where the owner proposes a single principal structure and accessory structures for a single family dwelling, a duplex or town house dwelling, a triplex dwelling, or a four-plex dwelling on a single lot. The development plan shall be a continuing condition for the property rezoned.
2. A property owner proposes to locate multiple principal buildings on a single parcel.
3. Mobile Home Parks
4. Planned Unit Developments

B. **Public Hearing Not Required.** A public hearing shall not be required for any development plan that does not require a zoning map amendment, however, if the development includes an area covered by an impervious surface of 10,000 square feet or more the adjacent property owners shall be notified and allowed time for public comment during the presentation of the development plan to the Planning Commission. The Planning Commission may request a public hearing on any development plan it deems necessary.

VII. **Content and Format of Development Plans.** All development plans shall be prepared on material capable of clear reproduction. Required plan information shall be as follows:

- A. **Contents of Development Plans.** A development plan shall contain the following minimum information:
1. A title block containing the plan name, development plan type (preliminary or final), name and address of developer, name and address of owner if different than the developer and plan preparer, and a written and graphic scale;
 2. The boundary of the subject property and the zoning and owner names and addresses for all adjoining property;
 3. Date, appropriate North point, and graphic scale;
 4. A vicinity, or key map, oriented in the same direction as the design scheme, scale not smaller than 1" = 1,000';
 5. Topography, with contours at an interval of not greater than two (2) feet on USGS datum. This requirement may be modified by the discretion of the County.
 6. Scale of one hundred (100) feet to one (1) inch or larger at the discretion of the County.

7. Location, arrangement and approximate dimensions of existing and proposed streets, roads, driveways, sidewalks, parking areas and existing structures. Profiles and cross sections of proposed streets and roads;
 8. Perimeter screening, recreational, and other open spaces;
 9. Approximate size, location, floor area, and use of proposed and existing buildings;
 10. Location of lot lines for projects anticipated to involve land subdivision;
 11. Location and dimensions of all existing and proposed easements;
 12. Location and sizes of existing and proposed utilities;
 13. Minimum building setback lines;
 14. Floodplain as determined by Federal Emergency Management Agency (FEMA), and classification, as per FEMA codes;
 15. Approximate location and dimensions of storm drainage areas, conceptual drainage controls and storm water retention;
- B. Plats shall be submitted not larger than twenty-four (24) by thirty-six (36) inches in size.

VIII. Map Amendment and Development Plan Procedures.

- A. Pre-Application Conference.
1. Prior to any application for a map amendment or development plan, the applicant shall meet informally with County planning staff to determine the following:
 - a) The effect of the proposed development on the existing neighborhood, traffic patterns, and infrastructure systems;
 - b) How the proposed development relates to the comprehensive plan;
 - c) The various regulations that may apply to the proposed development;
 - d) An explanation of the required contents of the development plan, and any other required submission of materials; and
 - e) An explanation of the amendment process;
- IX. After the planning commission approves a zoning map amendment, substantial construction shall be initiated within one year after final action by the planning commission; provided that such zoning change shall not revert to its original designation without having first conducted a public hearing.
1. **Re-filing.** When any proposed amendment has not been accepted, the applicant must wait one year before reapplying with the same proposal, unless the Planning Commission grants permission to resubmit sooner.
- X. **Review.** The planning staff shall send the development plan to concerned agencies and interests for respective technical review. If necessary, or requested by the applicant, the interest and technical review bodies may meet together to resolve, if possible, all differences and difficulties associated with the development proposal. These meetings will be open to all interested parties, including the public.
- XI. **Planning Commission Action.** No development plan will be considered for Commission action until they have been reviewed by the appropriate review agencies or interests. The Commission may pursue the following action:
- A. Approval. The development plan is ready for approval as presented.

- B. Conditional Approval. The development plan will be conditionally approved subject to the developer's compliance with the conditions of approval set forth in the Commission's decision.
 - C. Disapproval. The development plan has been disapproved by the Planning Commission. To request new review and action, the developer must file a new application as set forth in this section.
 - D. Postponement. In circumstances where further resolution is required, the Commission may postpone final action on the development plan until further information or resolution of conflicts can be ascertained.
 - 1.
- XII. **Amendments to Development Plans.** Amendments to approved development plans can be made only by official Planning Commission action. Content, format, and procedures shall be the same as for the original submission. A proposed amendment of a development plan submitted in conjunction with a zoning map amendment shall require a public hearing subject to all notice requirements for the zoning map amendment.
- XIII. **Relationship to subdivision regulations.** The relationships between development plans and the subdivision regulations are established as follows:
- A. Applicability of Subdivision Regulations. Although development plans are not subdivision plats, quite often the development plan does indicate a need or intent to subdivide property. For any such development plan, the design and improvement standards contained within the subdivision regulations shall be applied to proposals contained on the development plan.
 - B. Combining Plans. Development plans and preliminary subdivision plats may be combined. It is recognized that for certain development situations it can be advantageous to both the applicant and the Planning Commission to combine requirements for development plans and subdivision plats in order to streamline the development approval process while not reducing the quality of the review. The following provisions shall be applicable to any such combined plan:
 - 1. The developer shall meet with County staff in advance of the filing deadline to discuss the appropriateness of filing a combined plat.
 - 2. The plan shall show all information required for a development plan and all information required for a subdivision plat as set forth in the subdivision regulations.
- XIV. **Substitution of Plans.** A subdivision plat may be submitted for development plans required in conjunction with map amendment requests. It is recognized that in certain cases a subdivision plat would be as appropriate or more appropriate to be considered in conjunction with a map amendment request than a development plan.