

**COMMUNITY PROJECT/REZONING**

**Ordinance Fact Sheet**

**Case No.** CD-CPC-2022-00168 & CD-CPC-2022-00171

**Brief Title**

Rezoning from District R-80 (Residential) to B-4 (Commercial) and approval of a Development Plan to allow for the private storage of vehicles in District B-4 on about 5 acres generally located at the northeast corner of Charlotte Street and 134th Street.

**221086**

**Ordinance Number**

**Details**

**Location:** Generally located at the northeast corner of Charlotte Street and 134th Street.

**Reason for Legislation:**  
 1. To consider rezoning about 5 acres from District R-80 (Residential) to B-4 (Commercial)  
 2. To consider approval a Development Plan to allow for the private storage of vehicles in District B-4.

**See attached City Plan Commission Staff Report for a detailed description and analysis of proposal.**

**See attached City Plan Commission Disposition Letter for the Commission’s recommended conditions (if any).**

**SUMMARY OF CHANGES FOLLOWING CITY PLAN COMMISSION:**

- Removed condition stating: That the developer enter into a Secured Deferral Agreement for the half street improvement to \_\_\_\_\_ and \_\_\_\_\_ as required by Chapter 88, prior to issuance of a Temporary or Final Certificate of Occupancy. The Secured Deferral Agreement shall be for a period of 10 years, until further improvements occur on the property, or until street improvements occur on the opposite side of the street, whichever occurs first.
- Modified the following conditions adding “If development were to occur on the eastern side of the lot”:
  1. The developer shall submit a Preliminary Stream Buffer plan prior to approval of the plan in accordance with the Section 88-415 requirements if development were to occur on the eastern side of the lot.
  2. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the Stream Buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements if development were to occur on the eastern side of the lot.
- Modified the following conditions adding “For the purposes of a garage”: The developer must pay impact fees as required by Chapter 39 of the City’s Code of ordinances as required by the Land Development Division for the purposes of a garage.

**Positions/Recommendations**

<b>Sponsors</b>	Jeffrey Williams, AICP City Planning & Development Director
<b>Programs, Departments or Groups Affected</b>	6 <sup>th</sup> (Bough and McManus)
<b>Applicants / Proponents</b>	<b>Applicant</b> Rachelle Biondo Rouse Frets White Goss Gentile Rhodes  <b>City Department</b> City Planning & Development <b>Other</b>
<b>Opponents</b>	<b>Groups or Individuals</b> N/A  <b>Basis of Opposition</b>
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> <b>For</b> <input type="checkbox"/> <b>Against</b> <b>Reason Against</b>
<b>Board or Commission Recommendation</b>	City Plan Commission 6-0 on 11-15-22 By (Allender, Baker, Crawl, Enders, Rojas, Sadowski) <input checked="" type="checkbox"/> <b>For</b> <input type="checkbox"/> <b>Against</b> <input type="checkbox"/> <b>No Action Taken</b> <input type="checkbox"/> <b>For, with revisions or conditions</b> (see city plan commission disposition letter for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> <b>Do Pass</b> <input type="checkbox"/> <b>Do Pass (as amended)</b> <input type="checkbox"/> <b>Committee Sub.</b> <input type="checkbox"/> <b>Without Recommendation</b> <input type="checkbox"/> <b>Hold</b>

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	<input type="checkbox"/> Do not pass
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<b>Fact Sheet Prepared By:</b> Matthew Barnes Planner	<b>Date:</b> 12/5/22	<b>Initial Application Filed:</b> 9/12/22
<b>Reviewed By:</b> Joseph Rexwinkle Division Manager	<b>Date:</b> 12/5/22	<b>City Plan Commission Action:</b> 11/15/22
		<b>Revised Plans Filed:</b> 10/31/22
		<b>On Schedule:</b> NO
		<b>Off Schedule Reason:</b> Needed a separate re-zoning application to be filed
<b>Reference Numbers:</b> CD-CPC-2022-00168 & CD-CPC-2022-00171		