

LAND USE AND ZONING COMMITTEE AMENDMENT

The Land Use and Zoning Committee offers the following amendment to File No. 2024-828:

- (1) On **page 1, line 5**, after "ORDINANCE" insert "DENYING A REQUEST FOR";
- (2) On **page 1, lines 15-18**, strike "PROVIDING A DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;";
- (3) On **page 2, line 4**, strike "and" and insert "now therefore";
- (4) On **page 2, lines 5-17**, strike all lines in their entirety;
- (5) On **page 2, lines 19-24**, strike "Property Rezoned. The Subject Property is hereby rezoned and reclassified from Commercial Office (CO) District to Planned Unit Development (PUD) District. This new PUD district shall generally permit multi-family dwellings, restaurants, offices and commercial uses and is described, shown and subject to the following documents, attached hereto:" and insert "Property Rezoning Denied. The City Council denies the rezoning of the Subject Property from Commercial Office (CO) District to Planned Unit Development (PUD) District, which would have generally permitted multi-family dwellings, restaurants, offices

and commercial uses, as set forth in the following documents submitted by the applicant, attached hereto:";

- (6) On **page 2, line 28½, insert** "Pursuant to section 656.341(d), *Ordinance Code*, in addition to the criteria set forth in Section 656.125, *Ordinance Code*, there are several criteria to be considered specifically when evaluating an application for rezoning to the Planned Unit Development district. One of those criteria is external compatibility. Pursuant to section 656.341(d)(5), *Ordinance Code*, all land uses within a proposed Planned Unit Development should be compatible with existing and planned uses of properties surrounding the proposed Planned Unit Development and not have any avoidable or undue adverse impact on existing or planned surrounding uses. The evaluation of external compatibility of a proposed Planned Unit Development is based on several enumerated factors, including any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed Planned Unit Development which includes any existing or planned use of such lands. The Planning Department staff analyzed the documents submitted by the applicant, as referenced above, and determined that "the signs seem excessive in relation to the surrounding area." The Planning Department report explained that San Pablo Road is a dead-end road with little traffic and that the "sign area is more appropriate to an arterial roadway not a local road with minimal traffic and a 30 mph speed limit." The Planning Department recognized that

Exhibit 3, does not indicate a maximum height for the ground signs. Thus, the Planning Department concluded that the proposed Planned Unit Development as set forth in the documents above, did not meet these criteria. The Planned Unit Development therefore does not meet the external compatibility criteria set forth in section 656.341, *Ordinance Code*.

Additionally, pursuant to section 656.125(c), *Ordinance Code*, uses permitted under a proposed rezoning must be consistent or compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area or will not deviate from an established or developing logical and orderly development pattern. The Planning Department report indicates that the Subject Property is located on the southwest corner of the intersection of JTB Boulevard and San Pablo Road. The Planning Department report indicates that there is intensive residential development to the east of San Pablo Road, including the 56-unit Marina San Pablo Condos, 26 Aphora at Marina San Pablo townhomes, and the 29-unit Sayla Apartments. However, the Planning Department report also indicates that the residential development southwest of the JTB Boulevard and San Pablo Road intersection is much less intensive. The Planning Department report notes that to the west and to the south of the Subject Property are single-family subdivisions. The Planning Department indicates that there is no adjacent multi-family residential development

located southwest of the JTB Boulevard and San Pablo Road intersection. The Planning Department report indicates that there is no single family residential development on the southeast corner of the intersection of JTB Boulevard and San Pablo Road. Thus, there is a clear development pattern distinction between the eastern, more intensive residential development, and western portions, less intensive residential development, of San Pablo Road, south of JTB Boulevard. The map provided in the Planning Department report shows the large single family residential lots abutting the Subject Property all along the western and southern edges of the Subject Property. And the more intensive residential development, east of San Pablo Road, is much smaller in impact, 56 units at the Marina San Pablo Condos, 26 townhomes at Aphora at Marina San Pablo and the 29 unit Sayla Apartments. In contrast to these smaller developments, to the south and east of the Subject Property are 350 single family homes. Thus, the proposed development of 250 multi-family units on the Subject Property on the southwest corner of the intersection of JTB Boulevard and San Pablo Road is not consistent or compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area and will deviate from the established or developing logical and orderly development pattern. This position was bolstered by the extensive public comment provided during the public hearing.”;

- (7) On **page 3, lines 2-13, strike** all lines in their entirety;
- (8) Renumber the remaining section accordingly;
- (9) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

 /s/ Dylan Reingold

Office of General Counsel

Legislation Prepared By: Dylan Reingold

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