

LAND USE AND ZONING COMMITTEE AMENDMENT

The Land Use and Zoning Committee offers the following amendment to File No. 2025-249:

- (1) On **page 1, line 5**, after "ORDINANCE" insert "DENYING A REQUEST FOR";
- (2) On **page 1, lines 15-17**, 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 2**, strike "and" and insert "now therefore";
- (4) On **page 2, lines 3-15**, strike all lines in their entirety;
- (5) On **page 2, lines 17-22**, strike "Property Rezoned. The Subject Property is hereby rezoned and reclassified from Planned Unit Development (PUD) District (2000-228-E) to Planned Unit Development (PUD) District. This new PUD district shall generally permit a fuel facility 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 Planned Unit Development (PUD) District (2000-228-E) to Planned Unit Development (PUD) District, which would have generally permitted a fuel facility and commercial uses, as set

forth in the following documents submitted by the applicant, attached hereto:";

- (6) On **page 2, line 26½, insert** "Pursuant to section 656.341(d), *Ordinance Code*, in addition to the criteria set forth in Section 656.125, *Ordinance Code*, there are criteria to be considered specifically when evaluating an application for rezoning to the Planned Unit Development district. One of those criteria is internal compatibility. Pursuant to section 656.341(d)(4), *Ordinance Code*, all land uses proposed within a proposed Planned Unit Development should be compatible with other proposed uses and not have any undue adverse impact on any neighboring use. An evaluation of the internal compatibility of a proposed Planned Unit Development includes an analysis of the traffic and pedestrian circulation pattern. As noted by Jason Gabriel at the Planning Commission meeting, the fuel station site is about ten percent of the Subject Property. "And that's just a static brick and mortar part of the fuel operation. That does not take into account the long lines and traffic flow dynamic that will come within that packed parking lot." This statement is bolstered by the Aerial View of Subject Property picture in the Planning Department staff report, which shows an already crowded parking lot an existing 143,463 square foot Costco store. The Planning Department staff report indicates that this rezoning will further exacerbate the problem by eliminating 123 parking spaces, while at the

same time intensifying the use of the Subject Property with a fuel facility.

Another 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. Based upon his firsthand observation, Jason Gabriel at the Planning Commission meeting, noted that the Subject Property "is already wedged within a highly intense and trafficked retail area, and that's surrounded by a host of constant commercial traffic flow." This statement is bolstered by the Aerial View of Subject Property contained in the Planning Department report. The Aerial View of Subject Property shows cars backed up on Gate Parkway outside of the Subject Property almost all the way to the intersection with the J. Turner Butler offramp. And the Aerial View of Subject Property then shows a lengthy backup of cars on the offramp itself.

This "bad traffic circulation situation" is in close proximity to the narrow entranceway into the Subject Property.

Additionally, pursuant to section 656.125(c), *Ordinance Code*, the proposed rezoning and the development permitted thereunder cannot detract from the character and quality of life in the general area or neighborhood by creating excessive traffic, noise, lights, vibration, fumes, odors, dust, physical activities or other detrimental effects or nuisances. As noted above, the rezoning will create excess traffic and other detrimental effects concerning parking and traffic circulation issues.";

- (7) On **page 2, line 31** and **page 3, lines 1-11**, **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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