

**LAND USE AND ZONING COMMITTEE AMENDMENT**

The Land Use and Zoning Committee offers the following amendment to File No. 2019-687:

- (1) On **page 1, lines 17-20, strike** “, PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT APPLICATION NUMBER L-5406-19C” and **insert** “; PUD SUBJECT TO CONDITIONS”; and
- (2) On **page 1, strike lines 25-31;** and
- (3) On **page 2, strike lines 1-8, and insert** “WHEREAS, Blue Ribbon Realty, LLC, the owner of approximately 4.97± acres, located in Council District 10 at 0 New Kings Road and 0 Gilchrist Road, between New Kings Road and Thomas Dukes Court (R.E. Nos. 039938-0000 and 039982-0000), as more particularly described in **Exhibit 1**, dated October 23, 2019, and graphically depicted in the **Exhibit 2**, both of which are **attached hereto** (Subject Property), has applied for a rezoning and reclassification of that property from Commercial Community/General-2 (CCG-2), Commercial Office (CO) and Residential Rural-Acre (RR-ACRE) Districts to Planned Unit Development (PUD) District, as described in Section 1 below; and”; and
- (4) On **page 3, line 17, strike** “, pursuant to adopted companion Small-Scale Amendment L-5406-19C,”; and
- (5) On **page 3, line 26, strike** “**Exhibit 3** - Written Description dated November 1, 2019.” and **insert** “**Revised Exhibit 3** - Revised Written Description dated February 19, 2020.”; and
- (6) On **page 3, line 27, strike** “**Exhibit 4** - Site Plan dated November 1, 2019.” and **insert** “**Revised Exhibit 4** - Revised Site Plan dated February 19, 2020.”; and

- (7) On **page 3, lines 28-31**, and on **page 4, lines 1-5**, **strike** **Section 4** in its entirety and **insert** a new Section 4 to read as follows:

**"Section 4. Rezoning Approved Subject to Conditions.**

This rezoning is approved subject to the following conditions. Such conditions control over the Written Description and the Site Plan and may only be amended through a rezoning.

(1) The truck storage area shall be enclosed by an eight (8) foot high, 85% opaque fence.

(2) The width of the buffer between uncomplementary uses along the northeast property line shall be 10 feet where adjacent to a residential zoning district.

(3) Perimeter landscape trees shall be planted at least one tree every 30 feet along New Kings Road (US 23) and Gilchrist Road.

(4) Sag lenses, drop lenses and convex lenses shall be prohibited. Illumination levels at all property lines shall not exceed one-half (.5) foot candles ("f.c.") when the parking area is located adjacent to residential areas and shall not exceed one (1.0) f.c. when abutting other non-residential properties. All lighting lamp sources within parking areas shall be metal halide, compact fluorescent or LED. The maximum light pole height in all parking areas shall not exceed thirty feet (30' - 0"). An exterior lighting design plan, including a photometrics plan, and pole and fixtures schedules, shall be submitted at the time of Verification of Substantial Compliance of the PUD, for review and approval by the Planning and Development Department.

(5) The Subject Property owner shall create an access point along New Kings Road, as depicted on the Revised Site Plan dated February 19, 2020, **attached hereto as Revised Exhibit 4.**

(6) The Subject Property owner shall comply with any requirements in a traffic and access study, completed within six months of the effective date of this Ordinance.

(7) Prior to the first final inspection within any phase of development, the owner or their agent shall submit to the Planning and Development Department for its review and approval either: (a) an affidavit documenting that all conditions to the development order have been satisfied, or (b) a detailed agreement for the completion of all conditions to the development order."; and

(8) Remove **Exhibit 3** and attach **Revised Exhibit 3.**

(9) Remove **Exhibit 4** and attach **Revised Exhibit 4.**

(10) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

/s/ Shannon K. Eller

Office of General Counsel

Legislation Prepared By: Shannon K. Eller

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