



MEMORANDUM

FROM: Roger Clark, AICP, Planning and Zoning Director
DEPT: Planning and Zoning
TO: Kelly Michaels, City Clerk
DATE: November 17, 2022
RE: Transmittal of Petition for Council Action – Bird Bay Hawks Run PUD Amendment Petition No. 22-26RZ

SUBJECT: Transmittal of Petition for Council Action 22-26RZ

On November 15, 2022, the Planning Commission, made the following motions for the subject petition:

Petition No. 22-26RZ

The following motion was **APPROVED** by a vote of 7-0:

A motion was made by Mr. McKeon, seconded by Ms. Schierberg, to approve affected party status for the Bird Bay Community Association Board of Directors.

The following motion was **APPROVED** by a vote of 7-0:

A motion was made by Ms. MacDonald, seconded by Ms. Schierberg, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds that this petition is not consistent with the Comprehensive Plan and is not in compliance with the Land Development Code because it is not consistent with LU. 1.1.1. and therefore, recommends to City Council **DENIAL** of PUD Amendment Petition No. 22-26Z.

To continue the processing of the petition, please complete the following:

- Schedule the public hearings before City Council, and provide our office with the legal advertisement when sent to the Gondolier so that we may prepare the notification sign and post on the property 15 days prior, per public notice requirements. Based on the Planning Commission meeting, this hearing is expected to have a significant number of attendees which needs to be considered regarding scheduling.
- Legistar file CC 22-26RZ has been created with the following attachments. Please reformat as needed for City Council:
 1. Staff Presentation
 2. Staff Report
 3. Applicant – PUD Amendment Application
 4. Applicant – Project Narrative
 5. Applicant – Bird Bay – Hawks Run PUD Amendment Plan
 6. Applicant – Bird Bay Approved Units By Plat Exhibit
 7. Applicant – Bird Bay Village Unit One Plat
 8. Applicant – Policy 8.2 Analysis
 9. Applicant – Survey
 10. Applicant – Sec. 86-47(f)(1)
 11. Applicant – 1977 Annexation Agreement Amendment

12. Bird Bay 1992 Master Plan
13. Agreement 8-21-72
14. Amendment to Agreement 4-24-73 Bird Bay Village Trust
15. Amendment to Annexation Agreement 12-21-77
16. Developer's Agreement 12-21-77 Bird Bay Associates

- The mailing list for the nearby properties is attached, but please note, if a significant amount of time passes before notices are prepared, the list will need to be updated to ensure sales/transfers are accounted for.
- Send us a copy of the ordinance for our review.

The Planning and Zoning Department may receive additional written correspondence on this petition, which will be forwarded to your office.

Yes N/A

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | City Attorney Reviewed/Approval |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Risk Management Review |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Finance Department Review/Approval |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Funds Availability (account number): Click or tap here to enter text. |

Attachments: Mailing Notification List & Registered Neighborhoods List
 Ad/Location Map
 Legal Description

Cc: Petition No. 22-26RZ