



MEMORANDUM

To: Kelly Michaels, City Clerk
From: Nicole Tremblay, AICP, Senior Planner
Date: March 23, 2023
Re: Transmittal of Petition for Council Action – Zoning Map Amendment Petition No. 22-38RZ

On March 21, 2023, the Planning Commission, made the following motions for the subject petitions:

Petition No. 22-38RZ

The following motion was **DENIED** by a vote of 4-3 resulting in a recommendation of denial:

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 this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative Findings of Fact in the record, RECOMMENDS TO CITY COUNCIL APPROVAL OF ZONING MAP AMENDMENT PETITION NO. 22-38RZ.

Comments from the Planning Commissioners that voted against recommending approval included finding that the petition does not demonstrate compliance with the land development code on the following items:

- i. 86-130(r) – commercial activity will not be limited to the Milano PUD;
- ii. 86-130(t)(3)(a) – evidence of unified control was not clearly provided;
- iii. 86-47(f)(1)(a) – the application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2;
- iv. 86-47(f)(1)(f) – compelling evidence for changing conditions was not presented;
- v. 86-47(f)(1)(h) – congestion may be increased excessively by this proposal;
- vi. 86-47(f)(1)(n) – no substantial reasons why the property cannot be used with the existing zoning were presented; and
- vii. 86-47(f)(1)(p) – compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.

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

- Schedule the public hearing before City Council and provide our office with the legal advertisement when you send it to the Gondolier in order for us to prepare the notification sign and post on the property 15 days prior, per public notice requirements.
- Legistar file CC 22-38RZ has been created with numerous attachments. Please reformat as needed for City Council.
- The mailing list for the nearby properties is attached, but please note, if a significant amount of time passes before the 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 Division may receive additional written correspondence on this petition, which will be forwarded to your office.

Attachments: Mailing Notification List & Registered Neighborhoods List
Ad/Location Maps
Legal Description
Cc: Petition No. 22-38RZ