



## Legislation Details (With Text)

**File #:** 21-2229      **Version:** 1      **Name:**  
**Type:** CONSENT AGENDA      **Status:** Approved  
**File created:** 11/5/2021      **In control:** Department of Planning and Urban Design  
**On agenda:** 12/8/2021      **Final action:**  
**Title:** An ordinance correcting (1) Planned Development District No. 9, amended by Ordinance No. 31816; and (2) Planned Development District No. 896, amended by Ordinance No. 31807 - Financing: No cost consideration to the City  
**Sponsors:**  
**Indexes:** 2, 9  
**Code sections:**  
**Attachments:** 1. Maps

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality  
**AGENDA DATE:** December 8, 2021  
**COUNCIL DISTRICT(S):** 2, 9  
**DEPARTMENT:** Department of Planning and Urban Design  
**EXECUTIVE:** Dr. Eric A. Johnson

### SUBJECT

An ordinance correcting **(1)** Planned Development District No. 9, amended by Ordinance No. 31816; and **(2)** Planned Development District No. 896, amended by Ordinance No. 31807 - Financing: No cost consideration to the City

### BACKGROUND

On March 24, 2021, the City Council approved Ordinance No. 31816 for an amendment to Planned Development District No. 9; on property located on the southwest line of Routh Street, between Mahon Street and Howell Street, to 1) create a new tract within Planned Development District No. 9 and 2) remove the D Liquor Control Overlay on property zoned Planned Development District No. 9 with a D Liquor Control Overlay, with consideration given to changing the D Liquor Control Overlay to a D-1 Liquor Control Overlay and a Specific Use Permit for the sale and service of alcoholic beverages for on-premise consumption in conjunction with an establishment for religious, charitable, or philanthropic nature use.

Subsequent, to the passage of the ordinance, it was discovered that the condition regarding the parking requirements for an establishment of a religious, charitable, or philanthropic nature use within

a legacy building does not clearly reflect the expressed intention of the approval motion to grant a parking reduction if the legacy buildings are to be preserved for any use, in any building, within the entire tract C within PD No.9.

The correction ordinance includes a more complete and clear condition to reflect the intent as expressed in the approval motion. The proposed correction language is as follows: Sec. 51P-9.106. (c) For all buildings used in conjunction with an establishment of a religious, charitable, or philanthropic nature use within a legacy building, a minimum of 21 parking spaces is required. Tract C is considered one lot for the purposes of parking requirements if both legacy buildings are maintained within the Tract.

On March 24, 2021, the City Council approved Ordinance No. 31807 for an amendment to Planned Development District No. 896 for a public school other than open-enrollment charter school, located on the northeast side of Monterrey Drive, between Farola Drive and Itasca Drive, to 1) reduce the maximum floor area from 122,500 square feet to 85,500 square feet; 2) reduce the 50,000 square foot expansion area to 9,500 square feet; 3) provide an approximately 3,300 square foot addition for a vestibule; 4) replace the existing chiller; and 5) reconfigure the concrete walkway along Farola Drive.[Casa View Elementary School]

Subsequent to the passage of the ordinance it was determined that the Sec. 51P-896.108.(b)(1)(A) inadvertently omitted to include the following language: "Stairs, steps, ramps, canopies and other appurtenances as shown on the development plan are allowed in the front yard." to reflect the intent of the amendment, as included in the Development Plan and submitted by the applicant.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On March 24, 2021, City Council held a public hearing to receive comments regarding an application for and an ordinance granting a new tract within Planned Development District No. 9; on the southwest line of Routh Street, between Mahon Street and Howell Street; hearing was closed and was authorized by Resolution No. 21-0554; Ordinance No. 31816.

On March 24, 2021, City Council held a public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 896 for a public school other than open-enrollment charter school, on the northeast side of Monterrey Drive between Farola Drive and Itasca Drive; hearing was closed and was authorized by Resolution No. 21-0541; Ordinance No. 31807.

### **FISCAL INFORMATION**

No cost consideration to the City.

### **MAPS**

Attached