



AGENDA ITEM SUMMARY FORM

MEETING DATE: January 25, 2022

PREPARED BY: Walter E. Reeves Jr., AICP Development Services Director

AGENDA CONTENT: Discussion and possible action on a recommendation for a waiver of Section 28-24.(g).(6) prohibiting submission of a rezoning application on property for which a denial of a rezoning request had occurred within the previous twelve (12) months.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: None

FUNDS REQUESTED: None

FUND: None

EXECUTIVE SUMMARY:

A rezoning request for 1101 W. Mulberry Street was denied by City Council at its November 9, 2021 regular meeting. Section 28-24.(g).(6).a states: "After a final decision is reached by the city council denying the zoning and rezoning requests involving real property (including PD and SUP requests), no further application may be filed for zoning and rezoning requests (including PD and SUP requests) involving any part of the subject real property for 12 months from the date of the final decision." Section 28-24.(g).(6).c allows for submission of a waiver request of the 12 month prohibition period upon a finding of "changed conditions or significant new information." Said waiver request can be presented to the Planning and Zoning Commission for recommendation and the City Council for approval. Section 28-24.(g) provides no guidance nor criteria on what constitutes "changed conditions or significant new information."

The waiver request includes reasoning from the applicant that they feel meets the standard of "changed conditions or significant new information." To address concerns expressed by City Council regarding details about the proposed project, which were not required by the originally requested rezoning to the MFR-29 zoning district, the applicant is proposing to bring forward a planned development which could include a skate park.

As the Council will recall, staff recommended approval of the original rezoning request as it was consistent with the Comprehensive Plan and would be consistent with surrounding land uses. In light of that recommendation, staff is supportive of the requested waiver of the required 12 month prohibition period so that a planned development rezoning application can be made.

The Planning and Zoning Commission considered this item at its January 6, 2022 regular meeting and recommends approval of the waiver request by a vote of 7 in favor/0 opposed/0 abstained.

RECOMMENDATION:

Staff recommends approval of the waiver request.

SUGGESTED MOTION:

I move we recommend approval of the waiver request.