



## Legislation Text

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File #: 22-0292, Version: 1

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Rezoning Application by Romero Properties, LLC to Rezone ± 1.3 Acres Located at 924 Old Big Bethel Rd [LRSN:4000717] from Residential Transition (RT-1) District to Multifamily Residential (M-4) District with Conditions

### **Background Statement:**

#### **New Material for January 11, 2023:**

The applicant introduced a new proffer statement at the December City Council meeting. In keeping with due process, the City Council deferred the application to the January 11th meeting for it to be properly advertised, give staff appropriate time to review the changes, and allow interested citizens to review the updated application prior to the public hearing. The changes to the proffers were in response to the Planning Commission's recommendation of denial with much of the basis for the recommendation rooted in the proposed density. The applicant has reduced the number of proposed units from 16 to 13 and adjusted the concept plan and building footprints accordingly.

This is an application by Romero Properties, LLC to rezone + 1.3 acres located at 924 Old Big Bethel Rd [LRSN: 4000717] from Residential Transition (RT-1) District to Multifamily Residential (M-4) District with conditions, to build a 16 unit, townhouse style development. The proposed plan includes three (3) two-story buildings. The proposed community amenity includes, but is not limited to, a courtyard with seating and a grilling station.

There are fifteen (15) proffered conditions including a limitation of the use of the site and allowable maximum unit count, conformance with the conceptual plan and elevations, high quality building and fencing materials, inclusion of a community amenity, and resilient and sustainable elements. Additional proffered conditions can be found in the rezoning application.

#### **Previous Material from December 14, 2022:**

This item was heard by Planning Commission in October. The applicant requested to not advertise this or the accompanying use permit for the November City Council meeting in order to consider changes to the proffer statement. The applicant is proposing changes to the proffers. Those changes cannot be formally introduced until the City Council meeting. Pursuant to Sec. 14-24(7)(f) of the zoning ordinance, because the changes to the proffers are "material" changes, including reducing the number of units, the Council needs to defer the application to the January 11, 2023 meeting. Staff would then advertise and bring forward the rezoning and use permit to the first City Council meeting in January. The accompanying use permit application, item number 22-0293, will also be brought forward to the same January meeting.

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**Recommendations:**

Staff Recommendation: Approve with fifteen (15) proffered conditions.

Planning Commission Recommendation: Deny