CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Jul 10, 2014

Action Requested By: Planning

Agenda Type: Resolution

Subject Matter:

Changes to Lendon Planned Development

Exact Wording for the Agenda:

Resolution to set a public hearing on an ordinance amending the approved Specific Function and Use Table for the permitted uses within the Lendon Planned Development.

Note: If amendment, Please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Recommended by Planning Commission.
Public hearing date: August 28, 2014.

Associated Cost: _____

Budgeted Item: Not Applicable

MAYOR RECOMMENDS OR CONCURS: _____

Department Head: _____

Date: Jun 25, 2014

RESOLUTION NO. 14-

WHEREAS, the Planning Commission of the City of Huntsville, Alabama, has given consideration to an amendment to Ordinance No. 12-358, a synopsis of said amendment being as follows:

(1) Amends the approved Specific Function and Use Table for the permitted uses within the Lendon Planned Development, LUI Rating 45/50.

(2) The first publication of this resolution, this synopsis, and the ordinance hereinafter set out at length shall be in the Huntsville Times on the _____ day of _____, 2014, and the second publication shall be one week thereafter on the _____ day of _____, 2014, both of which publications shall be at least 15 days in advance of the date of the public hearing hereinafter referred to.

WHEREAS, it is the judgement and opinion of the City Council of the City of Huntsville, Alabama, that consideration should be given to the adoption of an amendment to Ordinance No. 02-784 of the City of Huntsville, Alabama, in accordance with said request;

NOW, THEREFORE, **BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, as follows:

1. That the City Council of the City of Huntsville, Alabama, shall meet at 6:00 p.m. on the _____ day of _____, 2014, in the Council Chambers of the City of Huntsville Administration Building at 308 Fountain Circle in the City of Huntsville, Alabama, for the purpose of holding a public hearing at which time and place all persons, parties in interest and cities who desire, shall have an opportunity to be heard in opposition to or in favor of said ordinance amending Ordinance No. 12-358 of the City of Huntsville, Alabama.

2. That the proposed amendment to Ordinance No. 12-358 of the City of Huntsville, Alabama, is substantially in words and figures as follows:

ORDINANCE NO. 14-

AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE CITY OF HUNTSVILLE, ALABAMA

The public welfare requiring it, and under authority granted by Section 11-52-78 of the 1975 Code of Alabama, **BE IT ORDAINED** by the City Council for the City of Huntsville, Alabama, as follows:

WHEREAS, the City Council for the City of Huntsville, Alabama, approved the rezoning of land lying south of Carl T. Jones Drive, along the east side of Garth Road and along the north side of Four Mile Post Road for the Lendon Planned Development from Residence 2 and Residence 2-A districts to Planned Development-Housing District, LUI Rating 45/50, on the 28th of June 2012, by Ordinance 12-358; and

WHEREAS, Ordinance No. 12-358 included approval of the contents, conditions, waivers, and modifications as set out in the *Report to the City Council on Lendon PD-H Rezoning Request*; the Lendon PD Rezoning Submittal including the Specific Function and Use Table; the General Development Plan; the Illustrations of Typical Building Designs; the Slope and Elevation Maps; the Boundary and Topographic Survey; the Open Space Plan and the Physical Features Map; and

WHEREAS, the owners of the Lendon Planned Development desire to make certain changes in the Lendon PD Rezoning Submittal to amend the approved Specific Function and Use Table of the approved Lendon Planned Development resulting in a change in the permitted uses within Transect 5 as follows:

(1) Add Hotels as a permitted use.

(2) Add acute long-term care facilities as a permitted use.

(3) Add On/Off Premises Beer/Table Wine Retailers without entertainment as a permitted use.

(4) Add Class 1 Lounge Liquor Retailers without entertainment and without package sales as a permitted use.

(5) Add the following under the restaurant category in the permitted uses:

Restaurants, as restaurants are defined in the Zoning Ordinance, including On/Off Premises Beer/Table Wine Retailers that qualify as a restaurant, are permitted to have entertainment, as entertainment is defined in

the Zoning Ordinance, provided that the licensed premises is not within five hundred (500) feet of the boundary of any residential zoning district that is currently developed or will in the future be developed for residential use and that is not a part of Lendon, subject to the following condition:

(a) No entertainment shall be permitted after 11:00 p.m.

Restaurants, as restaurants are defined in the Zoning Ordinance, including On/Off Premises Beer/Table Wine Retailers that qualify as a restaurant, that are within five hundred (500) feet of the boundary of any residential zoning district that is currently developed or will in the future be developed for residential use and that is not a part of Lendon, are permitted to have entertainment, as entertainment is defined in the Zoning Ordinance, subject to each of the following conditions:

(a) The entertainment shall not be audible outside the interior of the licensed premises; and

(b) No entertainment shall be permitted and no entertainment shall be audible in the areas of any private sidewalk, courtyard or patio seating; and

(c) No entertainment shall be permitted after 11:00 p.m.

WHEREAS, the owners of the Lendon Planned Development desire to make certain changes in the Lendon PD Rezoning Submittal to amend the approved Specific Function and Use Table of the approved Lendon Planned Development resulting in a change in the permitted uses as follows:

Add the following condition under permitted uses:

For all alcoholic beverage licensed establishments within Lendon:

No alcoholic beverages shall be served, offered or dispensed between the hours of midnight and 10 a.m. on any day.

ORDINANCE NO. 14-_____

NOW, THEREFORE, BE IT ORDAINED, by the City Council for the City of Huntsville, Alabama, that the Specific Function and Use Table in the Lendon Planned Development as approved by Ordinance No. 12-358 is hereby amended to incorporate the changes hereof, all of which are on file in the offices of the Huntsville Planning Division.

This ordinance shall take effect from and after the date of its publication.

ADOPTED this the _____ day of _____, 2014.

_____
President of the City Council of the City of Huntsville, Alabama.

APPROVED this the _____ day of _____, 2014.

_____
Mayor of the City of Huntsville, Alabama

RESOLUTION NO. 14-_____

ADOPTED this the _____ day of _____, 2014.

_____
President of the City Council of
the City of Huntsville, Alabama.

APPROVED this the _____ day of _____, 2014.

_____
Mayor of the City of Huntsville,
Alabama