

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0363R

RESOLUTION GRANTING AN APPLICATION FOR ZONING CODE VARIANCE BY COMMONWEAL DEVELOPMENT FOR PROPERTY LOCATED AT THE CORNER OF KENWOOD AVENUE AND ARROWHEAD ROAD (1402 WEST ARROWHEAD ROAD PROPOSED ADDRESS).

BY COUNCILOR STAUBER:

RESOLVED, that the decision of the board of zoning appeals denying an application for a variance by Commonwealth Development is reversed upon the following grounds:

(a) Based upon the record presented to the council, the council finds that the extension of the proposed building and parking lot into a residential district would safeguard the character of the more restricted district and protect the character of the surrounding properties.

RESOLVED FURTHER, that a variance from the zoning code as requested by the applicant is granted conditioned upon the following terms and conditions:

(a) The approval of a development agreement between the city and applicant that provides for the following conditions:

(1) That there be a landscaping and retaining wall plan approved by the planning division and adequate assurance, approved by the city attorney, to permanently maintain the viability of the plantings in the landscape plan; and

(2) A lighting plan of the parking lot shall be approved by the planning division and must be of the type that will not to produce glare onto neighboring properties or streets; and

(3) Review and approval by city engineer of revised site plans based on the traffic study done by the developer; and

(4) No garbage collection before 7:00 a.m. on Saturday or before 6:00 a.m. on any other day; and

(b) The vacation of the alleyway must be obtained.

Approved as to form:

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Attorney

CCREQ/BLDG INSP CH:ek 5/18/2009

STATEMENT OF PURPOSE: This resolution grants a variance from the zoning code as requested by the applicant and subject to conditions.