**FLOOR AMENDMENT**

The Council President offers the following floor amendment to File No. 2017-136:

1. On **page 1, line 21**, **after** “2016C-018;” **insert** “PUD REZONING SUBJECT TO CONDITION(S);”;
2. On **page 1, line 21**, **after** “CONDITION(S);” **insert** “WAIVING SECTION 656.805 OF THE ZONING CODE TO ALLOW FOR THE SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A RESTAURANT FOR ON-SITE CONSUMPTION, AND OUTSIDE SALES AND SERVICE;”;
3. On **page 3**, **line 9,** **strike** “**Conditions.** Should a condition be placed upon the approval of this rezoning, then prior” and **insert “Rezoning Approved Subject to Condition(s).** This rezoning is approved subject to the following condition(s). Such conditions control over the written description and may only be amended through a rezoning.
4. The minimum 5,000 square feet of non-residential floor area shall be located on the ground floor and shall not include areas devoted to parking or open space.
5. There shall be no outside amplified music after 10:00 p.m., Sunday through Thursday, and after midnight, Friday and Saturday. If amplified music is to be played indoors, it must be soundproofed from the units above.
6. An operational traffic study to determine the impact to all nearby intersections and entrances shall be provided to the City Traffic Engineer for review and approval at the time of verification of substantial compliance. Any needed operational improvements (such as restriping or timing of lights) will be the responsibility of the developer. In no event shall developer be required to make improvements to add traffic capacity. This condition is subject to review and approval by the Planning Department.
7. The permitted uses and limitations on the location of specific uses detailed in Section IV.A. may only be modified through a rezoning.
8. The building setbacks detailed in Section V.A.5. and pedestrian access elements detailed in Section V.B.3. may only be modified through a rezoning.
9. The provisions regarding maximum signage reflected in Section V.C. may only be modified through a rezoning; however, a 5% variation in the size of tenant/commercial establishment signs may be permitted through a minor modification to this PUD.
10. The project shall provide for a minimum of 30,000 square feet of active recreation space on site, and may address any shortfall as detailed in Section V.E.
11. The transparency requirements contained in Section V. F. are hereby incorporated as conditions of this rezoning.
12. The minimum parking standards established in Section V.B.1. are hereby incorporated as conditions of this rezoning.
13. One tree shall be planted for every 40 linear feet of frontage and may be clustered.
14. Prior to requesting a final building inspection or occupying the facility in any manner, the lead horizontal and lead vertical design professionals shall submit to the Planning and Development Department separate certification letters confirming that all horizontal and vertical components of the development have been substantially completed, and all conditions to the development order have been satisfied. This condition shall apply to both phased and non-phased developments.”; and
15. On **page 3, line 17 1/2**, **insert** a new Section 3 to read as follows:

“**Section 3. Waiver of distance limitation between liquor license location and a church in Section 656.805 of the Zoning Code.** A Waiver of Section 656.805 is hereby granted in this new PUD Zoning District. The purpose of the waiver is to effectuate the use of the property as a mixed-use residential and commercial development which will include restaurants allowing the sale and service of all alcoholic beverages, as set forth in the written description. The property is located on a walkable minor arterial roadway in an intense commercial area. One church, “Called Out Believers in Christ Fellowship” is located in the same intense commercial area. Due to the urban nature of the area, a use such as a church may utilize an existing building and thus be in closer proximity to commercial properties as compared to other areas of the City. Failure to exercise the waiver herein granted by commencement of the use or action herein approved within five (5) years of the effective date of this ordinance shall render this waiver invalid and all rights arising hereunder shall terminate. The Specific Purpose Survey for the Liquor License is attached hereto as part of the Written Description in **Revised** **Exhibit 3**.”

1. On **page 4, line 1**, **strike** “**Exhibit 3** – Written Description dated January 19, 2017.” and **attach** “**Revised Exhibit 3** –Revised Written Description dated April 18, 2017.”
2. On **page 4, line 2**, **strike** “**Exhibit 4** – Site Plan dated December 12, 2016.” and **attach** “**Revised Exhibit 4** –Revised Site Plan dated March 22, 2017.”
3. Strike **Exhibit 3** and attach **Revised Exhibit 3**.
4. Strike **Exhibit 4** and attach **Revised Exhibit 4**.;
5. Renumber the remaining Section(s); and
6. On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

 /s/ Susan C. Grandin\_\_\_\_\_

Office of General Counsel

Legislation Prepared By: Susan C. Grandin

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