



Legislation Details (With Text)

File #: ID19-11137 **Version:** 1 **Name:**
Type: Action Item **Status:** Passed
File created: 8/7/2019 **In control:** City Council
On agenda: 8/22/2019 **Final action:** 8/22/2019

Title: HEARING to consider Plan Amendment Application No. P19-01470; Rezone Application No. P19-01470; Planned Development Application No. P19-01259; Tentative Tract map No. 6249 (P19-01469); and related Environmental Assessment No. P19-01469 for approximately 24.03 acres of property located on the south side of East Copper Avenue, between North Chestnut and North Willow Avenues. (Council District 6)

1. ADOPT CEQA Environmental Assessment No, P19-01470, a Mitigated Negative Declaration dated July 5, 2019.
2. RESOLUTION - Approving Plan Amendment Application No. P19-01470 proposing to amend the Fresno General Plan and the Woodward Park Community Plan to change the planned land use designations for the subject property from Residential, Medium Density (±15.82 acres) and Employment, Business Park (±8.21 acres) to Residential, Medium High Density (±18.85 acres) and Corridor/Center Mixed-Use (±5.18).
3. BILL - (For introduction and adoption) - Approving Rezone Application No. P19-01470 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RS-5 (Residential Single Family, Medium Density) (±15.82) and BP (Business Park) (±8.21 acres) zone districts to the RM-1 (Residential Multiple Family, Medium High Density) (±18.85 acres) and CMX (Corridor/Center Mixed-Use) (±5.18 acres) zone districts in accordance with Plan Amendment Application No. P19-01470.
4. APPROVE Planned Development Permit Application No. P19-01259 proposing to modify the RM-1 (Residential Multiple Family, Medium High Density) zone district development standards to allow for reduced setbacks and increased lot coverage for the proposed attached single family residences.
5. APPROVE Tentative Tract Map No. 6249 (P19-01469) proposing to subdivide an ±18.85 acre portion of the property for the purpose of creating a 239-lot single-family attached and detached residential development subject to the findings and compliance with the Conditions of Approval dated July 17, 2019.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A Vicinity Map, 2. Exhibit B Aerial Photograph, 3. Exhibit C Public Hearing Notice Radius Map, 4. Exhibit D, T6249_Plan Amendment, 5. Exhibit E Rezone Application No. TTM 6249, 6. Exhibit F Project Application P19-01469, 7. Exhibit G Project Information Tables, 8. Exhibit H Tentative Tract Map No. 6249, 9. Exhibit I T-6249 - Conditions Of Approval - Final, 10. Exhibit J T-6249 - Fresno Municipal Code Findings, 11. Exhibit K Environmental Assessment No. T-6249, 12. Exhibit L Planning Commission Resolution 13592, 13. Exhibit M Planning Commission Resolution 13593, 14. Exhibit N Planning Commission Resolution 13594, 15. Exhibit O Planning Commission Resolution 13595, 16. Exhibit P Council Resolution (Plan Amendment), 17. Exhibit Q Ordinance Bill (Rezone), 18. Exhibit T T-6249 - CC Presentation

Date	Ver.	Action By	Action	Result
8/22/2019	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

August 22, 2019

FROM: JENNIFER K. CLARK, Director
Planning and Development Department

THROUGH: MIKE SANCHEZ, Assistant Director
Planning and Development Department

BONIQUE EMERSON, AICP, Planning Manager
Development Services Division

WILL TACKETT, Supervising Planner
Development Services Division

BY: JOSE VALENZUELA, Planner III
Development Services Division

SUBJECT

HEARING to consider Plan Amendment Application No. P19-01470; Rezone Application No. P19-01470; Planned Development Application No. P19-01259; Tentative Tract map No. 6249 (P19-01469); and related Environmental Assessment No. P19-01469 for approximately 24.03 acres of property located on the south side of East Copper Avenue, between North Chestnut and North Willow Avenues. (Council District 6)

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5. APPROVE Tentative Tract Map No. 6249 (P19-01469) proposing to subdivide an ± 18.85 acre portion of the property for the purpose of creating a 239-lot single-family attached and detached residential development subject to the findings and compliance with the Conditions of Approval dated July 17, 2019.

RECOMMENDATIONS

Staff recommends that the City Council take the following actions:

1. ADOPT the Finding of a Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. P19-01470 dated July 5, 2019 for purposes of the proposed project.
2. ADOPT RESOLUTON approving Plan Amendment Application No. P19-01470 proposing to amend the Fresno General Plan and the Woodward Park Community Plan to change the planned land use designations for the subject property from Residential, Medium Density (± 15.82 acres) and Employment, Business Park (± 8.21 acres) to Residential, Medium High Density (± 18.85 acres) and Corridor/Center Mixed-Use (± 5.18).
3. ADOPT BILL approving Rezone Application No. P19-01470 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RS-5 (*Residential Single Family, Medium Density*) (± 15.82) and BP (*Business Park*) (± 8.21 acres) zone districts to the RM-1 (*Residential Multiple Family, Medium High Density*) (± 18.85 acres) and CMX (*Corridor/Center Mixed-Use*) (± 5.18 acres) zone districts in accordance with Plan Amendment Application No. P19-01470.
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EXECUTIVE SUMMARY

Morton & Pitalo Engineering, on behalf of Lennar Homes of California, Inc., has filed Plan Amendment Application No. P19-01470, Rezone Application No. P19-01470, Planned Development Permit Application No. P19-01259 and Tentative Tract Map No. T-6249 pertaining to a total of ± 24.03 acres of property located on the south side of East Copper Avenue, between North Chestnut and North Willow Avenue.

Plan Amendment Application No. P19-01470 proposes to amend the Fresno General Plan to change the planned land use designations for the subject property from Residential, Medium Density (± 15.82 acres) and Employment, Business Park (± 8.21 acres) to Residential, Medium High Density (± 18.85 acres) and Corridor/Center Mixed-Use (± 5.18).

Rezone Application No. P19-01470 proposes to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RS-5 (*Residential Single Family, Medium Density*) (± 15.82) and BP (*Business Park*) (± 8.21 acres) zone districts to the RM-1 (*Residential Multiple Family, Medium High Density*) (± 18.85 acres) and CMX (*Corridor/Center Mixed-Use*) (± 5.18 acres) zone districts in accordance with Plan Amendment Application No. P19-01470.

Planned Development Permit Application No. P19-01259 proposes to modify the RM-1 (*Residential Multiple Family, Medium High Density*) zone district development standards to allow for reduced

setbacks and increased lot coverage for the proposed attached and detached single-family residences.

Tentative Tract Map No. 6249 (P19-01469) proposes to subdivide a ±18.85 acre portion of the property for the purpose of creating a 239-lot single-family attached and detached residential development subject to the findings and compliance with the Conditions of Approval dated July 17, 2019.

The project will also require dedications and/or acquisitions for public street rights-of-way and utility easements as well as the construction of public facilities and infrastructure in accordance with the standards, specifications and policies of the City of Fresno in order to facilitate the future proposed development of the subject property.

Fresno City Planning Commission Action

The subject applications were considered by the Fresno City Planning Commission at its meeting on July 17, 2019. After hearing testimony from city staff and the applicant, the Planning Commission voted to recommend approval of the proposed applications by a vote of 5 to 0. No public testimony was given or comments received.

BACKGROUND

The subject property is located within the City of Fresno's General Plan Boundary and Sphere of Influence.

The area surrounding the subject property is undergoing growth in development. Immediate properties to the west near East Copper and North Chestnut Avenues have been fully developed with single-family residences. Areas to the north remain predominantly vacant with residential and commercial uses planned. Further north is the Copper River Country Club golf course. In addition, the area to the east is predominantly used for agricultural purposes. However the area south of East Copper Avenue and east of North Willow Avenues is within the City of Clovis Sphere of Influence and predominantly planned for mixed-uses. Land located to the south consists of Clovis North High School and Clovis Community College further south. Therefore, the project site is being rapidly encompassed with urban development. In accordance with Figure MT-2: Paths and Trails of the Fresno General Plan, a Class I Bicycle/Pedestrian Trail has been designated and built along the west side of North Willow Avenue.

The project will require dedications and/or acquisitions for public street rights-of-way and utility easements as well as incorporation of existing easements for construction and/or retention of public facilities and infrastructure in accordance with all applicable standards, specifications and policies of the City of Fresno and easement interested agencies in order to facilitate the future proposed development of the subject property.

As a result of the proposed lot configuration and street pattern, in conjunction with the nearby trail feature, connectivity will be facilitated and implemented for both pedestrians and vehicles by the proposed development in a manner which provides additional public amenity for future residents within the area.

This overall form of development proposed to be facilitated with the proposed project supports

implementation of the concept of a Complete Neighborhood and the Goals, Objectives and Policies of the Fresno General Plan; as follows:

Land Use Plans and Policies

As proposed, the project will be consistent with the following Fresno General Plan goals:

- Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city.
- Plan for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities.
- Make full use of existing infrastructure, and investment in improvements to increase competitiveness and promote economic growth.
- Promote orderly land use development in pace with public facilities and services needed to serve development.
- Encourage the development of Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance. Healthy communities demonstrate efficient development patterns providing for: Sufficient affordable housing development in appropriate locations; A mix of land uses and a built environment that supports walking and biking; Multimodal, affordable transportation choices; and, Safe public spaces for social interaction.
- Provide a network of well-maintained parks, open spaces, athletic facilities, and walking and biking trails connecting the City's districts and neighborhoods to attract and retain a broad range of individuals, benefit the health of residents, and provide the level of public amenities required to encourage and support development of higher density urban living and transit use.

These Goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment in accordance with Objective LU-1 of the Fresno General Plan.

Policy UF-1-d further emphasizes provisions for a diversity and variation of building types, densities, and scale of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the city.

Likewise, Objective LU-5 of the General Plan calls for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities; and, Implementing Policy LU-5-c promotes medium density residential use to maximize efficient use of residential property through a wide range of densities.

Similarly, Policy 5.1.5 of the Woodward Community Plan encourages the development of a balance housing stock in the planning area, including a variety of housing types.

Objective UF-12 of the Fresno General Plan directs the City to locate roughly one-half of future residential development in infill areas - defined as being within the City on December 31, 2012 - including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.

Supporting Policy LU-1-a of the Fresno General Plan also promotes new development within the existing City limits as of December 31, 2012. Policies LU-1-e and LU-1-g recommend that annexations to the City conform to the General Plan Land Use Designations and maintain the City's current Sphere of Influence (SOI) Boundaries without additional expansion.

The proposed General Plan Amendment is to change the land use designation of the subject property to Medium-High Density Residential to facilitate new development of a single family residential subdivision on land annexed to the City of Fresno in 2012.

Six types of open space land are defined by the Government Code for General Plan purposes; including, open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams, and areas which serve as links between major recreation and open space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

Fresno General Plan Policy POSS-2-c supports dedication of open space easements where feasible and warranted to secure appropriate public use of sensitive areas with scenic or recreation values, and for buffering space for sensitive uses.

Tentative Tract Map No. 6249 proposes the dedication of Outlot "J" for private recreational purposes. Furthermore, proposed Outlot A, B and C of Tentative Tract Map No. 6249 is proposed to be dedicated for landscape and open space purposes in compliance with POSS-2-c.

This project supports the above mentioned policies in that the density and intensity of the proposed development conform to the applicable land use designation of the Fresno General Plan and the Woodward Community Plan.

The project will not conflict with any conservation plans since it is not located within any conservation plan areas. No habitat conservation plans or natural community conservation plans in the region pertain to the natural resources that exist on the subject site or in its immediate vicinity. Therefore, there would be no impacts.

In conclusion, the proposed project is consistent with many or all of the goals and policies of the Fresno General Plan. The proposed project promotes reinvestment by proposing a quality development near expanding neighborhoods and the opportunity to continue development in the future, and protects property values by constructing a compatible infill development on a currently underdeveloped site.

Open Space, Landscaping & Walls

The development will be required to install landscaping and irrigation within a minimum 20-foot wide landscape outlot along the East Copper Avenue street frontage. A six-foot high concrete/masonry wall is required to be constructed at the rear of the Outlots A, B and C. Outlots D, E, F, G, H and I will be used for landscape, private paseos, and utility purposes.

The common areas are proposed to incorporate open spaces with pedestrian connectivity for as well as aggregate open space which will afford additional opportunities for both passive and active recreation.

As referenced herein above, the Outlots proposed to be created and dedicated with the subdivision map will be developed and dedicated for paseos and common open space purposes. The Outlots have been designed to include a pocket park element and open space features with improvements which will provide additional connectivity to the surrounding streets and the future planned community park area.

The long term maintenance and operating costs, including repair and replacement, of certain required public improvements (“Services”) associated with all new Single-Family Developments (e.g., landscaped and common areas, concrete curb and gutters, sidewalks, curb ramps, median islands, etc.) are the ultimate responsibility of the Developer. The Developer shall provide for maintenance of these “Services” either by a mechanism approved by the Public Works Department or by annexing to the City of Fresno’s Community Facilities District.

Lot Area and Dimensions

The smallest single-family attached residential lot within the proposed subdivision will be 1,139 square feet with a lot coverage of 84%. The smallest proposed detached single-family residential lots will be 1,911 square feet with lot coverage of no more than 69%. The proposed planned development permit allows deviations for reduced setbacks and increased lot coverage.

Sidewalks, Streets and Access Points

The Fresno General Plan designates East Copper Avenue as a super arterial street. The proposed project will be required to dedicate and construct improvements along the arterial street frontage and interior private streets with the proposed subdivision.

The subdivision design includes two entryway streets to the interior of the subdivision from East Copper Avenue. Interior local streets are proposed to be private will connect to other streets and pedestrian ways to form a continuous network within the subdivision and adjacent development.

The proposed project is located within Traffic Impact Zone III pursuant to Figure MT-4 of the Fresno General Plan, which generally represents areas near or outside the City Limits but within the Sphere of Influence (SOI) as of December 31, 2012.

In accordance with Policy MT-2-i of the Fresno General Plan, when a project includes a General Plan amendment that changes the General Plan Land Use Designation, and/or when a development project is projected to generate 100 or more peak hour new vehicle trips, a Transportation Impact Study (TIS) is required in order to assess the impacts of new development projects on existing and planned streets.

A proposed plan amendment and related rezone applications have been filed to facilitate authorization to subdivide the subject property for purposes of creating a 239-lot attached and detached single family residential development pursuant to Tentative Tract Map No. 6249.

Therefore, a Traffic Impact Study was prepared for the proposed project by KD Anderson & Associates, Inc., dated April 23, 2019. The Traffic Impact Study revealed that development of the subject property will result in 2,256 daily trips and is anticipated to have 177 AM peak hour vehicle trips and 237 PM peak hour vehicle trips.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project, the traffic impact study and potential traffic related impacts for the proposed applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements identified within the memoranda from the Traffic Engineering Manager dated May 17, 2019 and the Traffic Engineering Division dated May 14, 2019. These requirements generally include: (1) Dedication for public streets and right-of-way; (2) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems); and, (3) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee and Fresno Major Street Impact (FMSI) Fee) and the Regional Transportation Mitigation Fee (RTMF).

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system; no substantial increase in transportation or traffic is expected to result.

Public Services

Sewer

The applicant will be required to construct a 10-inch sanitary sewer main (including sewer house branches to adjacent properties) in East Copper Avenue from the existing 10-inch main located at the intersection of North Chestnut and East Copper Avenues. Sewer facilities will be available to provide service to the site subject to the conditions listed in the memoranda dated May 10, 2019.

Water

Water mains (including the installation of City fire hydrants) shall be extended with the proposed tract to provide service to each lot. Water facilities are available to provide service to the site subject to the conditions listed in the memoranda dated May 7, 2019.

FMFCD

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the proposed development shall construct Storm Drainage and Flood Control Master Plan facilities located within the development. Certain Master Plan facilities will be eligible for fee credit against the drainage fee

for the drainage area served by the facilities. These as well as additional requirements are listed in the memorandum from FMFCD dated May 20, 2019.

The proposed project is not located within a flood prone area. All surface runoff will be directed towards East Copper Avenue.

Fire

The City of Fresno Fire Department reviewed the proposed project and has determined that adequate Fire service will be available subject to future requirements for development which will include installation of public fire hydrants and the provision of adequate fire flows per Public Works Standards, with two sources water; and, installation of fire sprinklers within future residential dwellings.

Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use are reviewed by both the Fire Department and the Building and Safety Services Section of the Planning and Development Department when a submittal for building plan review is made as required by the California Building Code.

Council District Plan Implementation Committee

The Council District 6 (CD6) Plan Implementation Committee recommended approval of this project at their May 20, 2019 meeting.

Public Input

A Neighborhood Meeting was held at the Enzo's Table School's (1959 North Willow Avenue) on Wednesday, May 1, 2019 at 6:00 p.m., pursuant to Section 15-5506 of the FMC. This meeting was noticed to property owners within 500 feet of the subject property. Three members of the public were in attendance.

No calls relating to the subject project have been received to date.

Notice of City Council Hearing

The Planning and Development Department mailed notices of this City Council hearing to all surrounding property owners within 1,000 feet of the subject property, pursuant to Section 15-5007 of the Fresno Municipal Code.

ENVIRONMENTAL FINDINGS

An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the area, including the Fresno General Plan Master Environmental Impact Report

SCH No. 2012111015 (MEIR).

An initial study of the above-described project had been conducted, and it has been determined to be a subsequent project that is not fully within the scope of the MEIR prepared for the Fresno General Plan as provided by CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). Therefore, the Planning and Development Department proposes to adopt a Mitigated Negative Declaration for this project.

It has been further determined that all applicable mitigation measures identified within the Fresno General Plan MEIR have been applied to the project, together with specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by the MEIR as provided by CEQA Section 15178(a). In addition, pursuant to PRC Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and applicable mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant direct, indirect, or cumulative effect on the environment and has prepared a Mitigated Negative Declaration for this project. A public notice of the attached Mitigated Negative Declaration for Environmental Assessment Application No. P19-01469 was published on July 5, 2019 with no comments or appeals received to date.

FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the applications, staff concludes that the required findings contained within Sections 15-3309, 15-5812, and 15-5905 et seq. of the Fresno Municipal Code can be made. These findings are attached as Exhibit J to this report.

GROUNDINGS FOR DENIAL OF TENTATIVE MAP

The Subdivision Map Act (California Government Code §§ 66400, *et seq.*) provides that approval of a proposed subdivision map shall be denied if any of the following findings are made.

1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the SMA.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access of or use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the Woodward Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. The proposed project does not meet the findings for denial per the Subdivision Map Act (California Government Code §§ 66400, *et seq.*) and concludes that the required findings contained within Section 15-3309 , 15-5812 and 15-5905 *et seq.* of the FMC can be made. Upon consideration of this evaluation, it can be concluded that Tentative Tract Map No. 6249 is appropriate for the project site.

LOCAL PREFERENCE

Local preference was not considered because this project does not include a bid or award of a construction or service contract.

FISCAL IMPACT

Affirmative action by the Council will result in timely deliverance of the review and processing of the applications as is reasonably expected by the applicant. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant has paid to the city a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Planning and Development Department.

Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Public Hearing Notice Radius Map
- Exhibit D - Plan Amendment Application No. TTM 6249
- Exhibit E - Rezone Application No. TTM 6249
- Exhibit F - Project Application P19-01469

- Exhibit G - Project Information Tables
- Exhibit H - Tentative Tract Map No. 6249
- Exhibit I - T-6249 Conditions of Approval
- Exhibit J - T-6249 Fresno Municipal Code Findings
- Exhibit K - Environmental Assessment No. T-6249
- Exhibit L - Planning Commission Resolution No. 13592
- Exhibit M - Planning Commission Resolution No. 13593
- Exhibit N - Planning Commission Resolution No. 13594
- Exhibit O - Planning Commission Resolution No. 13595
- Exhibit P - Council Resolution (Plan Amendment)
- Exhibit Q - Ordinance Bill (Rezone)
- Exhibit T - T-6249 CC Presentation