



Item: Public Hearing on Revised Ordinance 3002 to extend the land acquisition date referenced in original Ordinance 3002 (CVS Pharmacy)

From: Bill Walters, Senior Planner

Initiated By: The Velmeir Companies

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Revised Ordinance 3002 and approve accompanying Amendment to Agreement.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Revised Ordinance 3002 and (approve/disapprove) the accompanying Amendment to Agreement.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Staff Recommendation: It is recommended the City Commission adopt Revised Ordinance 3002 and approve the accompanying Amendment to Agreement.

Background: Following a public hearing held on April 15, 2008, the City Commission approved: 1) Ordinance 3002 rezoning Lots 1 through 7, Block 26, Huy’s Addition; 2) Resolution 9735 vacating a segment of 10th Alley South between 20th & 21st Streets South; 3) the Amended Plat of Lots 1-7 & 10-14, Block 26, Huy’s Addition; and, 4) an Agreement and an Amendment to Agreement containing terms and conditions associated with granting the rezoning. Approval of these documents was intended to accommodate construction of a proposed 13,225 sq ft CVS Pharmacy along the east side of 20th Street South between 9th and 10th Avenues South.

Ordinance 3002 and the Amendment to Agreement contain a provision that should the Purchaser (The Velmeir Companies) fail to acquire Lots 1 through 7, Block 26, Huy’s Addition, by August 31, 2008, the Agreement and Ordinance 3002 shall be deemed null and void and subject Lots 1 through 7 shall remain zoned R-3 single-family high density district.

Attached is a communication from Jon Lennander of The Velmeir Companies dated June 4, 2008, requesting extension of the land acquisition date from August 31, 2008, to April 30, 2009. The letter also explains the reasons for the time extension.

Also attached is a revised Amendment to Agreement containing extension of the land acquisition date to the end of April next year and signed by the applicant and all involved property owners.

Concurrences: The timeline for acquisition of involved properties which dictates application of the rezoning provided by Ordinance 3002 was previously agreed upon by the applicant, involved property owners and the City Commission. Adjustments to the timeline are at the discretion of these three entities. The requested timeline extension is not intended to open discussion or alter action on any other approvals previously provided by the Commission.

Fiscal Impact: Allowing The Velmeir Companies additional time to close on the acquisition of properties necessary to accommodate construction of a new CVS Pharmacy at 2001 10th Avenue South should not result in any fiscal impact to the City.

Alternatives: The City Commission could deny Revised Ordinance 3002. However, denial of the requested time extension through Revised Ordinance 3002 may not allow The Velmeir Companies sufficient time to close on acquisition of the involved properties thereby resulting in the zone change necessary to accommodate the proposed CVS Pharmacy at 2001 10th Avenue South becoming null and void.

Attachments/Exhibits:

Revised Ordinance 3002

Amendment to Agreement (Not available online; on file in City Clerk's Office.)

Letter from The Velmeir Companies, dated June 4, 2008

Vicinity/Zoning Map

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Jon Lennander, jlennander@velmeir.com
Mark Macek, mark@macekcompanies.com