1. Public Performing Arts Theater is redefined to include only Zach Scott’s site.
   A. No other COA ‘I’ zoned property
   B. No other entities (AISO, ACC, etc)

2. Either a firm limitation of no more than 80’ max height above Existing Grade – or –
   Height Subject to a Conditional Use Permit Process

3. No variance from Compatibility Standards or Zoning Code

4. City Council and 25 support ZNA w/RT precedent

Key:
- COA crafting language tying additional height to community benefit
- ZZ B non transferable precedent to adjacent commercial properties

5. Agreement to engage ZNA/in ongoing discussions on Zach’s project Development including:
   a. resolving Zach’s parking need within current lease line or off site (not on street) solutions
   b. that conform to existing zoning
Ok The deal is that the original proposal, rather than the planning commission proposal, is agreed with the following additional items of the agreement:

1. Staff, neighborhood, and Zach will work to define public theater in a way that will ensure that no other city property can take advantage of the added height and no other governmental entities can.

2. Allowed fly tower height is either 80' or the height established by a conditional use permit.

3. Language will be added by council making clear that this ordinance does not set a precedent for any other uses to get additional height.

4. Zach agrees to engage in dialog with the neighborhood through the rest of construction, and

5. Zach agrees that its intent is to provide parking for the theater without encroaching on parkland and, if off site, within structures or on surface lots that are in compliance with the base zoning district site development regulations for the site on which they are located.

Council will approve on first reading and the item will be brought back to the council at the next meeting.

Jeff Jack will present the agreement and I will acknowledge that Zach agrees.

Nikelle