



Zoning Committee

Rezoning Petition 2017-101

December 5, 2017

REQUEST

Current Zoning: R-8 (single family residential), R-22MF (multi-family residential), B-1 (neighborhood business), B-2 (general business)

Proposed Zoning: TOD-R(O) (transit oriented development, residential, optional)

LOCATION

Approximately 2.17 acres located on the north and south sides of East 16th Street, and east of the intersection of East 16th Street and Parkwood Avenue.

PETITIONER

Council District 1 – Egleston
Optimist Park Partners, LLC

**ZONING COMMITTEE
ACTION
VOTE**

The Zoning Committee vote 5-1 to recommend APPROVAL of this petition.

Motion/Second: Majeed/ McMillan

Yeas: Ham, Majeed, McMillan, Sullivan and Watkins

Nays: Fryday

Absent: Nelson, McClung, and Spencer

Recused: None

**ZONING COMMITTEE
DISCUSSION**

Staff provided a summary of the petition and noted that the lots on the west side of East 16th Street (Buildings 8, 9, 10, 11, and 12) are consistent with the *Blue Line Extension Transit Station Area Plan*, the portion of the site located along the east side of East 16th Street (Buildings 4, 5, 6, and 7) in inconsistent with the *Blue Line Extension Transit Station Area Plan*, and the portion of the site that fronts Parkwood Avenue (Buildings 1, 2, and 3) is inconsistent with the adopted area plan.

Staff provided an overview of this petition noting that there are four outstanding issues identified as follows:

1. Remove the note that “the front setback may be reduced to 16 feet once Parkwood Avenue classification is determined.”
2. The cross-section showing the relationship, which was shown to Planning staff, should be included with the revised site plan.
3. Reduce the building height of Buildings 6 and 7 (40 foot max.)
4. Add a note under “Architectural Commitments” committing to an average ground floor entrance of 24 inches above grade.

A committee member noted that the site is located near a

proposed transit station and the Optimist Park neighborhood does not object to the rezoning proposal, adding that the petition will provide a street extension, which is a big cost, and six affordable housing units. The member expressed that this is a tradeoff, in light of the shortage of affordable housing. Another committee member stated it would be more impactful if there were more affordable units, adding that density should not be given away without getting much in return. A committee member stated that there are single family detached dwellings behind the proposed site, and the plans that have been adopted should be adhered to instead of removing four single family dwellings that the adopted plan proposes to retain.

A committee member stated that there are minimal incentives to developers to provide affordable housing and there usually is a compromise involved, adding that six affordable units are better than none and the end result will be no affordable units should the petition not be approved. Staff responded that we should not have to compromise on site design and transition to the abutting single family neighborhood, noting that the site, as currently designed, does not provide a good transition and does not respect the effort that went into the adopted area plan.

Staff pointed out that the maximum height of Buildings 4 and 5 have been reduced to 40 feet. The maximum height of Buildings 6 and 7 is 44 feet, and the rear yard has been increased such that the site meets the height plane for the TOD district. However, staff requests all buildings be limited in height to 40 feet. A committee member indicated that Buildings 4 and 5 cause the most problems due to the proximity to abutting single family dwellings.

The committee suspended the rules to ask the petitioner if the outstanding issues will be addressed. The petitioner's agent, John Carmichael, stated the petitioner will agree to address the following outstanding issues:

- Remove the note that the front setback may be reduced to 16 feet once Parkwood Avenue classification is determined.
- The cross-section showing the relationship, which was shown to the Planning staff, will be included with the revised site plan.

Mr. Carmichael, Andy Lucas, and Ted Duncan responded that the building height of Buildings 6 and 7 will remain at 44 feet, and that a single step (single step up to the concrete landing and then a threshold) will be provided into the units, which will be above grade but not 24 inches. In addition, porches are being provided that create separation. It was added that one eight-inch step will be provided on Parkwood Avenue, noting that the site slopes on Parkwood Avenue and may require more than one step. When a committee member asked about the importance of providing an average ground floor entrance of 24 inches, staff responded that the grade should be offset to create a sense of separation from the street.

**ZONING COMMITTEE
STATEMENT OF
CONSISTENCY**

The Zoning Committee voted 5-1 (motion by McMillan seconded by Ham) to adopt the following statement of consistency:

The proposed rezoning is consistent with the *Blue Line Extension Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because;

- The plan recommends residential uses for lots along the north/east side of East 16th Street, and transit supportive uses for lots on the south/west side of East 16th Street.

The proposed rezoning is inconsistent with the *Blue Line Extension Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because;

- The plan recommends a density of up to 12 units per acre for the lots along the north/east side of East 16th Street.
- The plan recommends office and retail uses for the lots that front Parkwood Avenue.

However this petition was found to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The subject properties provide a transition between the Parkwood Transit Station and the Optimist Park Neighborhood.
- Portions of the property (Buildings 1, 2, 3, 8, 9, 10, 11, and 12) are generally consistent with the adopted plan recommendations.
- The petitioner agrees to remove the note that “the front setback may be reduced to 16 feet once Parkwood Avenue classification is determined.”
- The cross-section showing the relationship, which was shown to the Planning staff, will be included with the revised site plan.
- The petitioner commits to changes in ground plane between the ground and the building.
- Petition provides a variety of housing options to the public.

Minority Opinion

A Commissioner noted that we want consistency in development standards for developers and land owners, so the plan should be adhered to as this parcel’s single family neighbors deserve the same. There is not enough transition in this design to earn support. In addition, the Commissioner noted that the project would be more impactful if there were more affordable units.

Planner

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