

**ZONING COMMITTEE
RECOMMENDATION
March 29, 2006**

Rezoning Petition No. 2006-46

Property Owner: Fat City Investment Associates, LLC

Petitioner: Fat City Investment Associates, LLC

Location: Approximately 0.45 acres located southwest of East 35th Street and northwest of North Davidson Street.

Request: NS, neighborhood services to MUDD-O, mixed use development district, optional request.

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of the petition.

Vote: Yeas: Carter, Cooksey, Howard, Hughes and Ratcliffe

 Nays: None

 Absent: Farman and Sheild

Summary of Petition

This petition seeks to rezone approximately 0.45 acres located southwest of East 35th Street and northwest of North Davidson Street from NS to MUDD-O to allow for a mixed use project within existing buildings consisting of residential and retail uses. The petition proposes to develop a maximum of 38,000 square feet, consisting of 8,000 square feet of commercial uses and 21 multi-family residential units, at a density of 46.8 dwelling units per acre. The following are listed as optional requests:

- Reduction of two parking spaces from the required parking.
- 700 square feet of attached signage.
- Allow 24 inches of balcony overhang (with 8 to 9 feet of clearance) from the existing Fat City building façade fronting North Davidson Street into the right-of-way or beyond the property line.
- Waiver of the streetscape requirement of a 6-foot sidewalk and 8-foot planting strip along North Davidson Street and on East 35th Street along the portion of the site that is an existing parking lot.
- Waiver of 14-foot setback along North Davidson Street and East 35th Street to allow existing buildings to remain.

Zoning Committee Discussion/Rationale

Mr. MacVean reviewed the petition and stated that the site is located within one-half mile of a proposed rapid transit station and is consistent with the Transit Station Area Principles. The outstanding site plan issues have been addressed and the petition is appropriate for approval.

Statement of Consistency

A motion was made by Howard and seconded by Carter finding this petition consistent with the Transit Station Area Principles. The Zoning Committee unanimously approved this motion.

Vote

Upon a motion made by Howard and seconded by Ratcliffe, the Zoning Committee voted unanimously to recommend approval of this petition.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.