

**ZONING COMMITTEE
RECOMMENDATION
March 29, 2006**

Rezoning Petition No. 2005-169

Property Owner: Scholtz II. Ltd. Partnership

Petitioner: Red Partners

Location: Approximately 3.07 acres located between Kenilworth Avenue and Scott Avenue, south of East Boulevard.

Request: R-22MF PED, multi-family residential, pedestrian overlay district and B-1 PED, neighborhood business, pedestrian overlay district to R-22MF PED-O, multi-family residential, pedestrian overlay district-optional and B-1 PED-O, neighborhood business, pedestrian overlay district – optional.

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

Vote:

Yeas:	Carter, Cookey, Howard, Hughes and Ratcliffe
Nays:	None
Absent:	Farman and Sheild

Summary of Petition

This petition proposes a new commercial building and seeks an expansion of the existing parking area at the current office complex on Scott Avenue zoned B-1 PED. An abutting development that fronts on Kenilworth Avenue proposes approximately 64 multi-family residential dwelling units under the existing R-22MF PED zoning designation, with two optional requests. In addition, approximately 0.041 acres of the R-22MF PED zoning is requested to be rezoned to B-1 PED-O. The following are listed as optional requests:

- Allow expansion of the existing parking area located between the existing office building and Scott Avenue by approximately 24 spaces. The Pedestrian Overlay District (PED) does not allow parking between the building and the street.
- Allow an eight-foot planting strip to be provided along the project frontage on Scott Avenue and Kenilworth Avenue instead of installing trees in raised planters or tree pits, as required along Kenilworth Avenue and Scott Avenue per the East Boulevard Pedscape Plan.
- Request to exceed the height limitation in the R-22MF PED zoning by approximately 2 feet, 10 inches.

- Provide 5 feet that encompasses the rear yard and buffer abutting the R-22MF zoning, as opposed to a 20-foot rear yard and an 10-foot buffer.

Zoning Committee Discussion/Rationale

Mr. MacVean stated that the petition seeks deviations from the adopted East Boulevard Pedscape Plan, except for the 0.41 of an acre that is requested to be rezoned from R-22MF PED to B-1 PED-O. Mr. MacVean noted that the petitioner has agreed to install streetscape improvements along the existing building frontage on Scott Avenue prior to the issuance of a certificate of occupancy on the multi-family units along Kenilworth Avenue. These improvements would ordinarily be required only in front of the new development. Staff worked with the petitioner to look at other building placement options for the proposed building along Scott Avenue, such as locating it in front of the existing building but could not make them work under the constraints of the existing site.

Committee member Carter questioned how to mitigate the misunderstanding that the Pedestrian Overlay District does not change the underlying zoning district but does override the development standards for the district. Mr. MacVean responded that a consultant has reviewed the issue and should have a response to City Council by April, 2006. Committee member Howard questioned the purpose of the additional parking. Mr. MacVean stated it may be in order to provide parking for the proposed addition.

Statement of Consistency

Committee member Ratcliffe made a motion indicating that the petition is consistent with adopted land use policy recommendations for the East Boulevard Pedscape Plan and the Central District Plan. Committee member Carter seconded the motion.

Vote

Committee member Howard made a motion to recommend approval of the petition, which was seconded by Committee member Ratcliffe. The motion was approved unanimously.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.