



Zoning Committee Recommendation

Rezoning Petition 2022-037

May 2, 2023

REQUEST

Current Zoning: NS PED (neighborhood services, pedestrian overlay)
Proposed Zoning: B-1 PED (neighborhood business, pedestrian overlay)

LOCATION

Approximately 0.28 acres located at the northeast intersection of East Boulevard and Scott Avenue.
(Council District 1 - Anderson)

PETITIONER

SunCap Property Group, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 6-1 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

To Approve:

This petition is found to be **consistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map* recommends Neighborhood Center for the site.

Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- Located within the Dilworth community with a majority of the corridor in the pedestrian overlay, the area in which the site is located houses a variety of low to middle density mixed-uses along East Boulevard with residential uses extending out from the major thoroughfares. Commercial uses at the street-level, pedestrian connections, and consciously integrated transitions into the surrounding neighborhoods are predominant features of the existing development in the area.
- The subject site is adjacent to a number of other conventionally zoned B-1 and O-2 parcels. Conventionally zoned parcels in the pedestrian overlay will automatically translate under the Unified Development Ordinance (UDO) to the Neighborhood Center (NC) zoning district on June 1, 2023. Rezoning this corner parcel to B-1 would allow for a consistent

development pattern under the NC zoning district given that the surrounding lots will be translating to NC on June 1, 2023. If the site is not rezoned, the existing conditional NS zoning district will remain in place after the UDO goes into effect.

- The NC zoning district is the complimentary zoning district for the Neighborhood Center Place Type recommended for the area. This Place Type is defined by walkable mixed-use areas embedded within neighborhoods that provide a range of services for nearby residents. Rezoning the site to B-1 so that it sequentially translates to the NC zoning district and allows for pedestrian-friendly redevelopment helps to further goals of the Neighborhood Center Place Type on a critical corner lot in the East Boulevard corridor.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
 - 1: 10 Minute Neighborhoods
 - 5: Safe & Equitable Mobility
 - 6: Healthy, Safe & Active Communities
 - 8: Diverse & Resilient Economic Opportunity

Motion/Second: Welton / Lansdell

Yeas: Gaston, Harvey, Lansdell, Rhodes, Russell, Welton

Nays: Gussman

Absent: None

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with the *2040 Policy Map*.

Commissioner Russell asked if this petition was a corrective rezoning. Staff explained the history of the petition starting as a conditional petition for a much larger site; this parcel was one of the few pieces in the plans that would not automatically translate to Neighborhood Center (NC) on June 1, 2023. After looking at the standards of NC district, the petitioner decided to pursue development under the NC district and to do so they needed to still rezone this corner lot.

Commissioner Lansdell asked if the petition required a traffic impact study, staff confirmed that it did not require one.

Commissioner Lansdell asked about the setback requirements in the NC district and noted concern if the site were to build up to the street frontage. Staff responded with a reference to which page in the UDO explains those requirements and added that generally the NC district is meant to encourage pedestrian movement throughout corridors such as these; therefore, ample pedestrian infrastructure would be part of the site's redevelopment under NC. Commissioner Lansdell also commented that the potential ingress and egress for the larger site that may be redeveloped may pose issues.

Commissioner Russell asked about the maximum building heights allowed in the NC district. Staff responded that the base height in the district is 65' and the maximum height is 80' with bonus provisions.

Chairman Gussman commented that the community expressed concern at the public hearing over the height that may be achieved on the site.

There was no further discussion of this petition.

MINORITY OPINION

Chairman Gussman expressed concern over how this site will compare in height to the adjacent properties. The potential height that could be achieved here under the UDO standards goes beyond what may be preferable given the existing context.

PLANNER

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