



Zoning Committee

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| REQUEST | Current Zoning: B-2 (general business) Proposed Zoning: TOD-R(CD) (transit oriented development, residential conditional, with five year vested rights) |
| LOCATION | Approximately 4.64 acres located on the east side of Eastway Drive, south of North Tryon Street and north of the Blue Line Extension. (Council District 1 - Kinsey) |
| PETITIONER | CapRock, LLC |

ZONING COMMITTEE ACTION VOTE

The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.

Motion/Second: Nelson / Sullivan
Yeas: Fryday, Nelson, Majeed, McClung, and Sullivan
Nays: None
Absent: McMillan and Spencer
Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition, indicated there is one outstanding issue, and noted that it is consistent with the adopted area plan.

Staff pointed out that the remaining outstanding issue pertains to CDOT's request for right-of-way set at two feet behind the back of sidewalk where feasible. A committee member asked staff to define "feasible." CDOT staff responded that the department works with petitioners to determine what will work. Another member asked why right-of-way set two feet behind the sidewalk is requested and what the consequences are if it is not adhered to. CDOT staff responded that the area is in the public realm for maintenance and that staff will work to obtain an easement to allow maintenance. It was noted that this is a common request by CDOT and it is not a major issue if not obtained.

There was no further discussion of the petition.

ZONING COMMITTEE STATEMENT OF CONSISTENCY

The Zoning Committee voted 5-0 (motion by Nelson seconded by Fryday) to adopt the following statement of consistency:

The proposed rezoning is consistent with the *Blue Line Extension Transit Station Area Plan* and the plan's height policy recommendation, based on information from the staff analysis and the public hearing, and because:

- The plan recommends transit supportive uses.

Therefore, 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 site is between ¼ and ½ mile walk distance from the Old Concord Transit Station; and
- The proposal provides up to 132 senior multi-family housing units within a transit station area; and
- The petition proposes to redevelop a vacant infill site, thereby minimizing environmental impacts while accommodating growth; and
- The proposed development will support future area connectivity by

providing a public street connection to abutting property located to the west of the site; and

- Development on this site will provide a transition between the commercial uses along North Tryon Street and the lower density residential development adjacent to the site across Eastway Drive; and
- Given the proximity to the adjacent neighborhood across Eastway Drive, the building should adhere to the adopted policy and limit building height to 50-feet.