



Zoning Committee Recommendation

Rezoning Petition 2022-080

March 7, 2023

REQUEST

Current Zoning: R-17MF (multi-family residential)
Proposed Zoning: MUDD-O, 5-year vested rights (Mixed use development, optional, 5-year vested rights)

LOCATION

Approximately 9.13 acres bound by the north side of Roxborough Road, west side of Colony Road, and east side of Rexford Road, south of Wickersham Road
(Council District 6 - Bokhari)

PETITIONER

RD Southpark, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 4-1 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) for Area C and **inconsistent** for Area A and B based on the information from the staff analysis and the public hearing, and because:

- The map recommends Neighborhood 2 place type for the site.

However, 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:

- Historically recognized as part of the South Park Activity Center, this site serves as an edge of the Regional Activity Center and existing single-family neighborhoods north of South Park.
- The site is located adjacent to the Regional Activity Center (RAC) place type to the south and west, and to the north by the Neighborhood 1 (N1) place type.
- The Neighborhood 2 (N2) and Community Activity Center (CAC) place types that would result should this petition be approved would provide appropriate transition from the more intense RAC along Rexford Rd. and Roxborough Rd. to the intersection with Colony Rd., and to the N1 to the north.
- Given the contextual sensitivities in the area around the site, this petition commits to height stepdowns, and transitions the proposed land use intensities by focusing the tallest portions of buildings and most intense uses

away from the abutting single family and towards the Regional Activity Center. More specifically:

- Locates commercial uses along Rexford, Roxborough and the proposed woonerf (pedestrian focused street), multi-family use is focused in the center of the site and townhome styled units are proposed between the new east/west street and the northern property line abutting single family zoning.
- The site transitions the proposed building heights in Development Area A from a maximum of 85 feet at 92 feet along Colony Road and with at least 1 step to 128 ft along Roxborough Road to a maximum of 164 ft at the corner of Rexford Road and Roxborough Road.
- In Area B the maximum building height is 119 100 ft, the maximum for N2 place type. and steps down to a maximum of 60 ft at the northwest corner of the building towards the existing residential uses.
- Development Area C, adjacent to single family residential, is limited to a maximum of 48 ft, consistent with N2 place type.
- Preserves existing vegetation within the stream buffer along the northern property line adjacent to single family zoning and commits to providing supplemental plantings based on Urban Forestry review during permitting.
- Provides a mix of uses designed in walkable, pedestrian friendly form consistent with development found in activity centers including a central woonerf with ground floor uses, outdoor dining, and open space amenities.
- Provides a number of public benefits including contributions to the South Park Loop project, provision of at least 3 public art installations and a contribution of \$500,000 to the Housing Trust Fund.
- The site is adjacent to bus Route 20 and 1/3 mile walk to Routes 19, 28, 30 and 57 at the Southpark Community Transit Center.
- There are parcels abutting single family residential in South Park recommended for Regional Activity Center (RAC), a more intense place type than the CAC place type that a portion of the site would change to if the rezoning is approved.
- The petition could facilitate the following 2040 *Comprehensive Plan* Goals:
 - 1: 10 Minute Neighborhoods
 - 2: Neighborhood Diversity & Inclusion
 - 5: Safe & Equitable Mobility
 - 6: Healthy, Safe & Active Communities
 - 7: Integrated Natural & Built Environments.

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map* (2022) from Neighborhood 2 to Community Activity Center for Development Areas A and B.

Motion/Second: Welton / Rhodes
Yeas: Gussman, Harvey, Rhodes, Welton
Nays: Lansdell
Absent: Gaston, Russell
Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and the changes since the public hearing and noted that Area C is consistent with the *2040 Policy Map* and Areas A and B are inconsistent with the map.

Commissioner Welton asked about the inconsistency for area A and B. Staff responded that the inconsistency is related to building heights. The Neighborhood 2 place type says that buildings should be no more than 5 stories. There are areas that would exceed that height and in Area B there are areas at 100 ft in height close to single family residential and that is discouraged. Commissioner Welton asked how bonus fit into the consistency. Staff explained you can bonus to get above the maximum height allowed in the district. The requested zoning is MUDD which would allow a maximum of 120 ft and the bonus would allow them to exceed that to get up to the proposed 179 ft. in Area A. Welton asked if the same bonus reasoning apply to Area B. Staff explained that the bonus would not apply to Area B because they aren't exceeding the maximum height for MUDD in that Development Area.

Commissioner Welton asked if would be inconsistent then since they are only at 100ft. The orange color on the map indicates an N2 uses, if there was a use issue it would make sense. Staff explained it comes down to building height and height transitions for N2-B and C type development when within 200 ft of family and the area of the building. The proposed development is at 80 and 100 within small parts of the transition zone so it is very close to transitions that would align.

Commissioner Welton noted that N2-A, B and C is in the UDO and not the Comprehensive Plan and Policy Map it just says N2. If the transitions were provided then it would clearly be aligned with N2. Staff is working on identifying the differentiating factors for the alignment zoning process. Development Area B is much closer to an N2 outcome than it was at the public hearing.

Commissioner Lansdell stated he didn't have as much concern about the height but did have concerns about the uncontrolled full movement access on Roxborough Road and its function. CDOT staff asked if the question was about the movements or if it would be functional. Lansdell said he had concerns about the function, if the entrance is for service and Roxborough and Colony are used also used for service it would be unsafe for

pedestrians and cyclists and would like guarantees that Roxborough, Colony and this entrance would not be used for service. CDOT staff stated there aren't any notes currently on the plan to limit where service activity could occur. They do have other entrances and internal streets where service could happen so CDOT would have to work with the developer to narrow service locations. The Zoning Committee decided to suspend the rules of procedure to allow the petitioner's agent to respond to the concern.

Jeff Brown representing the petitioner was asked to explain how the entrance on Roxborough would be used and if service would occur on Roxborough and Colony. Mr. Brown said it is anticipated that the entrance would be used for service vehicles but the internal storage within the deck would be substantial, and the service would occur in the morning, off peak hours. It is also anticipated service would come down Roxborough from the service side rather than along Colony. Mr. Brown noted that would also be an opportunity to turn at Rexford at the traffic signal that would be installed and the turn onto the woonerf street. The design of the woonerf would allow the bollards to be removed to allow service but then closed off to allow pedestrian activity.

Lansdell explained he felt the proposed development was a great project and it's just the midblock, full movement, uncontrolled access that gives him the most concern.

Commissioner Welton asked what the setback was along Roxborough Rd. Staff responded that the minimum setback is 22 ft building modulation along the façade.

Commissioner Rhodes stated that there has been a lot of conversation about the City being a deal making City. However, this petition is an example of how petitioners should come correct with a community and it might not be 100% agreement. The changes show that the petitioner has listened to the community's concerns. This is not deal making, it is called compromise and understanding your neighborhood and not being aggressive but working with the neighborhood as best you can. Also understanding that this is also a business and the petitioner removed the office component which was a huge compromise from a revenue standpoint. So, to reiterate this is not deal making but compromise.

Commissioner Gussman stated that Council asked for clear guidance regarding changing the Policy Map. He noted that the Policy Map is a rather blunt tool and especially for larger acreages and does not seem to leave room for transitions if it is only looked at from a fine line. This petitioner took the time and effort to incorporate transitions internal to their site into their development and feels this is exactly the intention for when we would put these place types against less dense place types. This could be one of the examples for how this process needs to work. The tallest parts of this development is 500 ft from N1 properties.

If this could happen elsewhere communities may feel more comfortable with new developments.

There was no further discussion of this petition.

MINORITY OPINION

Concerns over safety for the ingress and egress for the full movement intersection on Roxborough Rd. and would like to see compromise for how that entrance and full movement intersection would function in the future.

PLANNER

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