



## Zoning Committee Recommendation

Rezoning Petition 2021-116

December 1, 2021

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**REQUEST**

Current Zoning: R-5 (single family residential)  
Proposed Zoning: MUDD-O (mixed use development-optional)

**LOCATION**

Approximately 0.05 acres located at the intersection of East 35th Street and Whiting Avenue, southeast of North McDowell Street.  
(Council District 1 - Egleston)

**PETITIONER**

Kevin Boyd

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be inconsistent with the *36<sup>th</sup> Street Transit Station Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The adopted plan recommends residential uses up to five dwelling units per acre (DUA).

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

- The petition limits the number of uses to be allowed on the site by right and under prescribed conditions.
- The refuse area has been moved away from the abutting single family residential lot.
- A fence or landscaping is proposed to screen the rezoning site from the abutting single family residential lot.
- The petition furthers the 36th Street Transit Station Area Plan's goal of "preserving neighborhood character while encouraging a development pattern that supports continued transformation to a vibrant, urban environment".
- Adaptive reuse of an existing building will protect and enhance the existing neighborhood character.
- The petition's limitation of building height to 40 feet is consistent with the plan's desired height for development in this area.

The approval of this petition will revise the adopted future land use as specified by the *36th Street Transit Station Area Plan*, from residential uses up to five dwelling units per acre to retail uses for the site.

Motion/Second: Welton / Chirinos  
Yeas: Blumenthal, Chirinos, Rhodes, Samuel, Spencer  
and Welton  
Nays: None  
Absent: Ham  
Recused: None

## **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted recommended land use per the adopted plan. Staff noted further revisions to the site plan pertaining to the added list of uses allowed by right and under prescribed conditions; landscaping adjacent to the existing single family residential development; relocation of refuse collection area; prohibition of amplified sound outdoors; clarification on Type 2 EDEE requiring alcohol sales and food to be provided at the same time. Staff noted few outstanding issues pertaining to clarification on screening and landscaping type behind the building as this is a narrow area.

Commissioner Welton wanted to thank everyone who reached out with respect to the number of emails received and public engagement.

Commissioner Spencer asked for confirmation that the petition preserves the existing historic to the community structure and staff responded yes.

Commissioner Samuel asked an architectural design question about the note regarding the building being torn down and rebuilt to meet MUDD standards, and the possible vertical expansion to 40 feet and meeting MUDD standards. Staff responded that the expansion may not have to adhere to the MUDD standards but would check. Commissioner Samuel responded it was a question she received earlier in the week.

Commissioner Samuel commended the petitioner and the team for continuing to work with the community and noted that some of the changes referenced by staff were only recently agreed upon.

There was no further discussion of this petition.

## **PLANNER**

Claire Lyte-Graham (704) 336-3782