



Zoning Committee Recommendation

Rezoning Petition 2022-020

October 4, 2022

REQUEST

Current Zoning: R-5 (single family residential)
Proposed Zoning: UR-3(CD) (urban residential, conditional)

LOCATION

Approximately 0.71 acres located on the west side of Dewitt Lane, east side of Ellenwood Place, and north side of Freeland Lane, west of South Boulevard.
(Council District 3 - Watlington)

PETITIONER

Denciti Partners, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 5-2 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

To Approve:

Although a portion of the petition is generally consistent with the supported land uses and building forms in the Neighborhood 1 Place Type, the petition on a whole is **inconsistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The policy map recommends Neighborhood 1 for the site. Neighborhood 1 supports building forms such as duplexes, triplexes, and quadplexes. However, a portion of this petition proposes building forms that would not be compatible with Neighborhood 1.

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:

- This petition is in an area of established single family homes, and rapidly growing medium to high density development. Just a quarter mile away from the Scaleybark Station and abutting a neighborhood of long-standing single family development, this site must contend with the demands of a growing city while also being able to consider the interests of residents that have lived in the area for decades.
- The Neighborhood 1 Place Type is intended for areas where single family detached homes are the primary use but other residential building forms can also be accommodated such as duplexes, triplexes, and

quadplexes. Along Ellenwood Place where there is no frontage on Freeland Lane, the site plan identifies proposed Buildings 1 and 2 wherein Building 1 will be either a duplex or triplex and Building 2 will be a triplex. Both of these building forms are compatible with the Neighborhood 1 Place Type and establish a marked transition between the high density corridor to the east as well as the proposal's denser residential buildings along Freeland Lane and the low density residential areas to the north and west.

- Along Freeland Lane, the proposal is inconsistent with the adopted Neighborhood 1 Place Type given that this portion of the rezoning site may be developed residential buildings that have more than 4 units per structure.
- This site is adjacent to areas designated as Regional Activity Center and Community Activity Center, which aligns to those properties' TOD zoning districts. This proposal offers a middle density solution that appropriately negotiates the high density development desired along South Boulevard and the Neighborhood 1 areas to the north and west of the subject site.
- This petition would generate an increase in residential density on the three parcels while maintaining some design principles that are consistent with single family building forms, such as a 36' height cap for Buildings 1 and 2 along Ellenwood Place, a 40' height cap for any other buildings on the site, a 4:12 roof slope for Buildings 1 and 2, incorporation of front porches or balconies, and a three unit limit on Buildings 1 and 2. These architectural features help facilitate a single family character on the portion of the rezoning site that must be the most sensitive to the existing adjacent development.
- The proposal commits to a 10' Class C landscape buffer along the rezoning area's northeastern boundary against parcel 14901232 on Ellenwood Place.
- The petition could facilitate the following 2040 Comprehensive Plan Goals:
 - 1: 10 Minute Neighborhoods
 - 2: Neighborhood Diversity & Inclusion
 - 4: Trail & Transit Oriented Development
 - 5: Safe & Equitable Mobility
 - 6: Healthy, Safe & Active Communities

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map (2022)*, from Neighborhood 1 to Neighborhood 2 for the site.

Motion/Second: Barbee / Welton

Yeas: Barbee, Gussman, Rhodes, Russell, Welton

Nays: Harvey, Gaston
Absent: None
Recused: None

ZONING COMMITTEE DISCUSSION

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

Commissioner Russell asked staff why there was a request for a unit maximum considering that we are a growing City. Staff responded that there was not a request for an overall unit count reduction, rather, we asked for commitments to certain building forms which may end up translating to a reduction in the overall units. The site plan presented at the public hearing did not illicit a basis for staff support because there was no alignment with an adopted policy. But modifying the building forms particularly along Ellenwood Place brought the site plan to a point that would allow staff support since at least a portion of the site plan is then consistent with the recommended Neighborhood 1 Place Type and the types of residential structures that are allowed in it. Staff added that these changes to the site plan established a better transition between the established single family neighborhood and the TOD-zoned areas.

Commissioner Russell followed up noting that he understands the concern with making a transition but there is a Regional Activity Center to the right and Community Activity Center to the south and west with Neighborhood 1 wedged in-between. Given those surrounding Place Types, is it appropriate to protect a small Neighborhood 1 pocket between two activity centers? Staff acknowledged that it is a tough site given the context, but it was important that this petition be considerate of the established neighborhood and build in elements to the site plan that create a sense of conformity to single family structures where possible. Protecting the Neighborhood 1 Place Type and the interests of the community in the long run to the extent that this proposal does speaks to the Comprehensive Plan Goals that we are trying to accomplish and balance. Commissioner Russell responded that on the topic of the goals of the Comprehensive Plan, one of the goals is to increase housing but this revised site plan reduced the unit count. Staff responded that we have to be cautious in how we increase housing. There must be a balance between neighborhood preservation, character preservation, and allowing infill in a way that is contextually appropriate and sensitive. This plan allows us to get infill development and an increase of units on the site but in a way that blends into the neighborhood better, and the Comprehensive Plan calls out an importance of being sensitive of those contexts. There is specific language in the plan that calls for preservation of these pockets and when infill does happen, having it occur in a way that is cognizant of the established neighborhood character.

On the topic of staff's request to increase the setbacks for Buildings 1 and 2 Commissioner Russell noted that he does not agree with a need for minimum setbacks. Staff responded that

these changes are in response to the community's persistent ask that any development here look as close to single family homes as possible, and part of the way that is accomplished is through elements such as larger setbacks, front porches, and elimination of rooftop terraces which are all design features you can expect to see throughout the rest of the neighborhood. Commissioner Russell responded that there are a number of developments throughout the City with very minimal setbacks among a mix of various housing styles that coexist together. We have to analyze these petitions with a more wholistic view rather than being so rigid when it comes to features such as the setback.

Commissioner Rhodes commented that she appreciated the changes and compromises in the petition that have been made since it was presented at public hearing. The public hearing draft of the petition was not supported by Commissioner Rhodes. Commissioner Rhodes asked if the issue of water runoff that the residents brought up was addressed in the new site plan. Staff responded that the petitioner provided a public hearing comment follow-up and noted that they will comply with the Post Construction Stormwater Ordinance, but the new site plan had not added specifics that spoke directly to that resident concern.

Commissioner Welton noted that he agrees with Commissioner Russell's perspective. It is a missed opportunity if we do not densify as much as possible for a site this close to the Scaleybark Station. When one looks at this area in terms of previous developments, we see many apartment complexes that are just as close to the light rail as this site is. Commissioner Welton added that he is anxious about the precedence this petition would set by not adding more density when there is an opportunity to do so near transit corridors.

Commissioner Harvey commented that he understands the need for housing but in this context, this is a community that has been around for many decades. The residents are very concerned with this type of development and how it could impact their neighborhood. Even if elements such as setbacks and buffers are adjusted, development here could shadow the nearby homes and negatively impact the established character. This Neighborhood 1 community should not be wiped out simply because of its unlucky location so close to the light rail. Some consideration has to be made for adding housing units but there is something to be said for retaining a neighborhood such as this one.

Commissioner Barbee, speaking to Commissioner Welton's comments, responded that she hopes that this petition does set a precedent. She added that thinking only about density sometimes does not serve the community. This is an excellent example of how staff has come together with the developer and community to create something that is different and unexpected but good in the long run. Commissioner Rhodes added to Commissioner Barbee's sentiments to echo that density is not the most vital variable here, the compromise with the community was important. There is a delicate balance to maintain charm versus

simply adding as many units as possible. The outcome of the revised petition made very strong compromises in the direction of the community concerns rather than a money-making venture.

There was no further discussion of this petition.

MINORITY OPINION

Although an increase in housing supply is important and necessary, there is something to be said for the preservation of neighborhood character. A site's unlucky location along the light rail should not result in a necessity for densification at the cost of the established community.

PLANNER

Holly Cramer (704) 353-1902