



## Zoning Committee Recommendation

Rezoning Petition 2022-027

January 4, 2023

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### REQUEST

Current Zoning: MUDD-O (mixed use development, optional)  
Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)

### LOCATION

Approximately 2.27 acres located on the east side of Sharon Road, west of Colony Road, and north of Fairview Road (Council District 6 - Bokhari)

### PETITIONER

Childress Klein

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### 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 map recommends Regional Activity Center place type.

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:

- The petition supports the request for additional building height by providing the following:
  - Tier 1 Basic LEED construction.
  - EV installed parking for 3% of the spaces.
  - EV capable parking for 7% of the spaces.
  - South Park Cultural Loop commitments for either off site segment construction if over 120 ft and either an agreement with petitioner and City for offsite segment construction and reimbursement or \$100,000 dollar contribution.
- The site is located in the core of South Park Regional Activity Center an area intended for higher density development with a mix of uses in a pedestrian oriented form.
- The proposal provides a mix of non-residential uses with a building oriented to Sharon Rd. and parking provided in a deck to the rear of the site.

- Constructs 14 ft wide sidewalk along Sharon Rd and 8 ft wide sidewalk along Coltmore Lane Ext. and relocates an existing crosswalk across Sharon Rd to improve pedestrian connectivity and safety in and around the site.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*
  - 1: 10 Minute Neighborhoods
  - 5: Safe & Equitable Mobility
  - 8: Diverse & Resilient Economic Opportunity.

Motion/Second: Welton / Harvey

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

Nays: Lansdell

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 Lansdell asked for confirmation related to the bank drive through service lanes. Planning staff explained that there is an optional provision to allow the drive through service lanes for the existing bank uses until such a time development occurs and then after redevelopment occurs the ATM would be an allowed use and staff asked for an optional provision for the service lane for clarity.

Commissioner Lansdell noted that there is a consistent pattern of truck deliveries blocking the right lane of Sharon Rd at the adjacent development and is concerned that could occur at this location as well. CDOT staff explained that typically signage is placed to restrict loading and deliveries in the right of way, and a permit is required for any exceptions. CDOT elaborated that there is not a design consideration for loading and unloading to occur in the right of way. Planning staff pointed out the location internal to the site off Coltmore Lane to accommodate a loading/service bay.

Commissioner Gussman asked how the building would be serviced. Planning staff clarified that since the loading and service bay is to be located in the deck the plan provides a wide crosswalk from the building to the deck to service the building.

Commissioner Welton asked about the building height. Planning staff clarified that if the building exceeds 120 ft then the petitioner would provide LEED construction and EV parking in addition to construction of a Loop segment. If the building is less than 120 feet and construction of the Loop segment cannot occur a contribution to the Loop project will be made. The Commissioner asked about the height for other developments in the area. Planning staff noted that the Phillips Place rezoning was up to 250 ft and the rezoning for adjacent development was for 120 ft. Staff also noted that there was no loading areas approved

on Sharon as part of the adjacent development so if that is occurring it is not permitted.

There was no further discussion of this petition.

**MINORITY OPINION**

The proposal should provide assurances that there will be no impact from service vehicles to Sharon Rd.

**PLANNER**

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