

DINNER MEETING AGENDA

Monday, September 24, 2018

1. Agenda Review – Tammie Keplinger

Item #	Petition #	Petitioner/Description	Update
Item #8	2017-186	Drakeford Co. – Located on the north side of West Kingston Avenue, west of South Tryon Street.	Request for a new public hearing on October 15, 2018
Item #9	2017-205	Pope & Land Enterprises, Inc. – Located on the north side of West Tyvola Road, south of Yorkmont Road.	Decision Deferral – 1 month to October 15, 2018
Item #40	2018-058	White Oak Management, Inc. – Located on the east side of Craig Avenue, north of North Sharon Amity Road.	Hearing Deferral – 1 month to October 15, 2018

Item	Changes After the Zoning Committee Vote
Item #11	<p>Petition No. 2017-112 by Sweetgrass Residential Partners, LLC (Council District 3 – Mayfield) for approximately 30 acres located off South Tryon Street, east of Youngblood Road and west of Birnamwood Lane, with five-year vested rights.</p> <p>The following changes were made after the Zoning Committee's recommendation. Therefore, the City Council must determine if the changes are substantial and if the petition should be referred back to the Zoning Committee for review.</p> <ol style="list-style-type: none"> The petitioner modified Transportation Note 6 to read as follows: <ul style="list-style-type: none"> A street connection from the Site's internal street network to Birnamwood Lane shall not be made until such time as at least two (2) parcels adjacent to Birnamwood Lane are rezoned to a zoning district other than the current R-3 zoning district. Petitioner shall extend the internal street to within fifty (50) feet of Birnamwood Lane and terminate as a stub with a barricade. In order to accommodate a future connection, the Petitioner shall design, plat and dedicate the right-of-way to provide for the future connection from the Site to Birnamwood Lane. The right-of-way dedication for the connection to Birnamwood Lane will be dedicated at the time the street connection is constructed. Petitioner shall extend the internal street to the intersection with Birnamwood Lane and terminate with a barricade until such time at least (2) parcels adjacent to Birnamwood Lane are rezoned to a zoning district other than the current R-3 zoning district. The petitioner added a detail to the site plan to illustrate approximate location of the proposed barricade at the intersection of the proposed internal street and Birnamwood Lane, in conjunction with the above noted modification.
Item #13	<p>Petition No. 2018-012 by Harrison Tucker and John Perovich (Council District 1 – Egleston) for a change in zoning for approximately 0.16 acres located at the intersection of North Davidson Street and East 17th Street.</p> <p>The following change was made after the Zoning Committee's recommendation. The petitioner has voluntarily submitted the changes to the Zoning Committee for review.</p> <ol style="list-style-type: none"> Planting strip has been widened to maintain a width of eight feet for the full frontages along both East 17th Street and North Davidson Street. Parking stalls are reoriented to face the eastern property line, and the new drive layout meets the requirements for a two-way aisle. Driveway on East 17th Street has been widened to 26 feet.

	<p>4. Stair case leading up to the units facing North Davidson Street has been centered on those units, in line with the existing stair on site.</p> <p>5. The middle unit of the three units (triplex) on the north side has been widened.</p> <p>6. Dumpster has been removed and roll-outs will be used instead.</p> <p>Staff Recommendation: Staff believes the changes are minor or more restrictive than those considered by the Zoning Committee. The change does not warrant additional review by the Zoning Committee.</p>
Item #16	<p>Petition No. 2018-027 by Sharon Towers (Council District 6 – Bokhari) for a change in zoning for approximately 8.025 acres located on the west side of Sharon Road, west of the intersection of Sharon View Road from R-3 and INST(CD) to R-3(CD), MUDD-O and INST(CD) SPA with 5-year vested rights.</p> <p>The following changes were made after the Zoning Committee's recommendation. The notes in green underline have been modified or added and those struck out have been deleted. Therefore, the City Council must determine if the changes are substantial and if the petition should be referred back to the Zoning Committee for review.</p> <p>1. Proposed Uses: Uses allowed in Institutional district for Development Areas A and D as more specifically described and restricted below in Section 3; uses allowed in the MUDD-O district for Development Areas B and C as more specifically described and restricted below in Section 3 below; and uses allowed in the R-3 district for Development Area E <u>(as more specifically described and restricted below in Section 3 which wording shall control).</u></p> <p>2. 3.c. Permitted Uses, Development Area Limitations, Transfer & Conversion Rights: In addition to other development permitted on the Site as described herein, Development Area E shall be developed for open space that is graded and planted with grass together with landscaping prior to the date which is the earlier of (i) the date that is three (3) years after the date of issuance of the building permit for the first building located on the Site or (ii) September 30, 2022 (the "Hazelton Open Space Delivery Date"); provided, however, notwithstanding the foregoing or any other provision in the Rezoning Plan to the contrary, the Hazelton Open Space Delivery Date shall automatically be extended until the date of <u>that the project contemplated by this Rezoning begins as evidenced by</u> issuance of the building permit for the first building located on the Site. It is understood that until the arrival of the Hazelton Open Space Delivery Date, existing single family residential uses may take place on Development Area E in accordance with R-3 standards. When installed, such open space area shall be graded and planted with grass, shall include landscaping and may include accessory uses and structures such as: benches and seating areas, walk paths, pedestrian scale lighting, hardscape and/or similar items. Convenient pedestrian access from the open space to the uses to be developed within Development Area B shall be provided at the time that Development Area B is developed, and the streetscape improvements and other commitments related to the open space, the Laurelwood identification signage and extensions of sidewalks along Hazelton Drive as described in Section 5.b. below shall be satisfied prior the Hazelton Open Space Delivery Date:</p> <p>3. 5.b.(ii) Setbacks, Streetscape Improvements, Side Yards, & Buffers/ Along North Side of Hazelton Drive – Extended Saussy Streetscape Improvements: Reference is made to the commitments of Saussy Burbank, as Petitioner under Rezoning Petition # 2017-131 (the "Saussy Rezoning"), to install an eight (8) foot planting strip and a six (6) foot sidewalk along Hazelton Drive extending from Sharon Road to the end of the property subject to the Saussy Rezoning (the "Saussy Streetscape Improvements"). Subject to the conditions set forth below, Petitioner agrees to extend the Saussy Streetscape Improvements from their terminus along the frontage of Tax Parcel #179-01-162 and potentially a portion of Tax Parcel 179-01-161 contingent upon coordination and agreement with applicable parcel owners and with the Laurelwood representatives, prior to the Hazelton Open Space Delivery Date (the "Extended Saussy Streetscape Improvements"). The Petitioner's commitment to install the Extended Saussy Streetscape Improvements shall be subject to: (A) the existence of (in accordance with the time for delivery above prior to the Hazelton Open Space Delivery Date) the Saussy Streetscape Improvements (or if the Saussy Streetscape Improvements are not in place by such time but anticipated to be in place within twelve (12) months as of the Hazelton Open Space Delivery Date), <u>Petitioner shall install the Extended Saussy Streetscape Improvements upon completion or the existence of the Saussy Streetscape Improvements if so completed within 12 months after the Hazelton Open Space Delivery Date if the Saussy Streetscape Improvements are anticipated to be in place</u> within such twelve (12) month period; (B) valid and binding easements in recordable form from the owners of the above-referenced parcels permitting the installation and maintenance of the Extended Saussy Streetscape Improvements, or sufficient right of way availability to allow the full cross-section of the Extended Saussy Streetscape Improvements or the reduced such cross-section described below,</p>

each being in place (in accordance with the time for delivery in (A) above ~~prior to the Hazelton Open Space Delivery Date~~); and (C) Petitioner shall not be required to acquire or pay for and such easements or consents if required, and Laurelwood neighborhood representatives may assist in seeking such easements/consents except that Petitioner will bear the cost of the preparation of the easements/consents documents, and Petitioner shall maintain and provide upon request written certification of such costs.

The above-referenced easements/consents may be facilitated, with Petitioner's good faith cooperation, by the reduction of the width of the Extended Saussy Streetscape Improvements as permitted by CDOT/City (for instance a reduction to a six (6) foot width planting strip and a five (5) foot width sidewalk). It is contemplated that the Extended Saussy Streetscape Improvements if installed shall taper down and connect with Hazelton Drive at the curb rather than stop in a dead end fashion into the next property down, subject to CDOT approval.

Petitioner shall be relieved of its obligation to install the Extended Saussy Streetscape Improvements if the conditions set out above are not met within the applicable times set forth above or Petitioner is otherwise unable to provide for such improvements for reasons beyond its reasonable control; provided, however, in lieu of such Extended Saussy Streetscape Improvements, Petitioner shall install improvements to the Hazelton Open Space which shall include items such as benches, seating areas, walking paths, pedestrian scale lighting, hardscape and/or similar items.

4. 11.B.b. Laurelwood Neighborhood Identification Sign:

Petitioner shall install the Laurelwood Sign including appropriate electrical and irrigation related utilities, but it shall not be responsible for repairs or replacements of the Laurelwood Sign and associated facilities, unless caused by the Petitioner (including its agents performing landscaping or other work on Development Area E).

5. 13. Construction and Miscellaneous Provisions:

a. Petitioner shall post at the Site entrance during construction a sign containing the construction manager's contact information.

~~b. Petitioner shall post signage within the construction entrance area that states as follows:~~
"All ~~Notwithstanding any other provision contained herein to the contrary, all~~ construction vehicles, including, without limitation vehicles transporting construction workers serving the Site, shall be prohibited from parking or idling on any streets located in the adjacent Fairmeadows subdivision or the adjacent Laurelwood subdivision, except when such construction parking and activity relates directly to the Hazelton open space area or related streetscape improvements or improvements to Sharon Road along the Hazelton open space area."

~~c. Petitioner shall refrain from closing lanes on Hazelton Drive or Sharon Road during construction related to the Rezoning except as may be reasonably required in connection with the street and streetscape improvements to the Sharon Road and Sharon View Road intersections per the requirements of Section 4 herein and in connection with construction related to the Hazelton open space area or related streetscape improvements, provided that such lane closings may take place per City regulations or as required by the City in connection with project construction and utility construction in the public rights of way may be undertaken by the City and/or utilities companies, and in such event Petitioner shall not have control of which lanes may be closed nor for which periods of time in connection with such work; in such event, Petitioner will work with the City and such utility companies to minimize the time necessary for completion of any such work. The above commitments shall be subject to any required City and CDOT approvals.~~

~~d.~~ Petitioner shall post signage within the construction entrance area that states as follows:
 "Outdoor construction activities (collectively "outdoor construction and delivery activities") utilizing backhoes; dump trucks; pavers; heavy materials delivery trucks; other similar heavy equipment; air compressors; extended outdoor hammering, banging, foundation drilling, blasting or other outdoor activities that create material vibrations felt or heard off-site, may not be conducted on the Site on Sundays. Such activities are limited to 7:00 AM to 7:00 PM Monday through Saturday. Provided however, such outdoor construction and delivery activities for tasks that require more than 12 hours to complete, such as a major concrete pour or when specific hours are required by the City or the ability of the supplier to deliver materials, may exceed the above-referenced time limits up to five (5) times during the construction of each building (records of such instances shall be kept by

	<p>Petitioner/Sharon Towers)."</p> <p>e.d. Petitioner shall post signage within the construction entrance area that states as follows: "The contractor(s) shall keep the construction Site in a clean and orderly condition and shall promptly clean the adjacent roads and sidewalks as reasonably needed but in all cases as otherwise required by applicable regulations."</p> <p>f.e. Development Area E shall not be used for parking nor as a staging ground for construction on the Site except as solely relates to construction on Development Area E or adjacent sidewalks/streetscape/hardscape/landscape/utilities, except as required by local regulations or the City.</p> <p>g.f. Petitioner shall abide by all applicable noise ordinances throughout the construction process related to work contemplated by the Rezoning, but in the event of a conflict between the construction related time limitations set forth above in subsection c. above and the noise ordinance, the more restrictive provisions shall control.</p> <p>h. Except as set forth in this Section, Petitioner shall maintain the adjacent roadways during construction of the work contemplated by the Rezoning to allow their continued use in accordance with this Rezoning Plan, subject to and in accordance with CDOT and other applicable City standards.</p> <p>i.g. Petitioner shall install construction fencing with appropriate screening <u>screening that is a minimum of eight (8) feet in height along the interior side of the undisturbed buffer along the Hazelton residential edge</u> during construction of the portions of the Site <u>along the Hazelton residential edge</u>.</p> <p>j.h. It is agreed that Petitioner is not responsible for taking any actions under this Section or otherwise that are unrelated to the work on the Site.</p> <p>k.i. The construction management commitments of Petitioner described in this Section relate to the work associated contemplated by the Rezoning, and such commitments shall no longer apply upon final completion of construction of such work evidenced by the issuance of the last certificate of occupancy for the last building constructed as part of such work.</p> <p>l. It is understood that many of the construction management commitments of the Petitioner describe in this Section are by their nature subject to human error or misunderstanding and may be difficult for City Zoning Staff to enforce.</p> <p>Staff Recommendation: The changes are a result continued discussions between the petitioner and staff to work on the items that were an enforcement concern; the petitioner also continued to negotiate with the neighborhood on these items. The final development standards have been revised to address the issues regarding enforcement consistent with the commitments in the existing 2013 zoning for Sharon Towers and therefore do not warrant additional review by the Zoning Committee.</p>
Item #18	<p>Petition No. 2018-044 by Land Investment Resources, LLC (Council District 7 – Driggs) for a change in zoning for approximately 7.5 acres located on the west side of Elm Lane, south of Camfield Street from R-3 to UR-2(CD).</p> <p>The following changes were made after the Zoning Committee's recommendation. Therefore, the City Council must determine if the changes are substantial and if the petition should be referred back to the Zoning Committee for review.</p> <p>6. The petitioner amended the following note related to screening fencing as follows:</p> <ul style="list-style-type: none"> • Prior to any land disturbing activities on the site, petitioner shall pay the sum of \$3,700 <u>\$4,017.00</u> to the owners of tax parcel No. 223-282-47, which parcel is adjacent to the site's western boundary line, for the installation of a fence by the owners of tax parcel 223-282-47 along the common boundary line of the site and tax parcel no. 223-282-47. <p>7. The petitioner replaced a note related to Environmental Features:</p> <ul style="list-style-type: none"> • For adjoining parcels receiving storm water discharge from the proposed BMP/water quality feature, petitioner shall analyze the adequacy of the existing storm water conveyance on the adjoining parcels. If the existing storm water conveyance on the adjoining parcels is found to be

	<p>inadequate by Storm Water Services, petitioner shall make a good faith effort with the property owner(s) to improve the storm water conveyance or mitigate the storm water discharge onto the adjoining parcels.</p> <ul style="list-style-type: none"> • <u>Petitioner shall analyze the adequacy of existing stormwater conveyance across downstream parcels 223-282-47 and 223-282-48 with the parcel owner's cooperation, this analysis would include a capacity study of the existing storm drainage infrastructure and overland flow path (as applicable) from the stormwater discharge point on the petitioner's site to the first downstream drainage structure located within the existing Leitrim Court right-of-way. Should this analysis find the capacity of the existing stormwater conveyance to be inadequate, the petitioner shall make a good faith effort to work with the property owner(s) to improve the stormwater conveyance within the study area or employ additional stormwater management measures on the petitioner's site to mitigate the stormwater discharge onto the parcels. Compliance with this condition does not obligate the petitioner to any financial payment for access to the downstream system.</u> <p>8. Amended the site plan to reduce the proposed sidewalk length on the northern side of the private street into the site to allow space for a potential stormwater BMP.</p> <p>9. Amended the site plan to show a potential dumpster location on the site.</p> <p>Staff Recommendation: The majority of the changes are result of discussions with Stormwater Services staff. Another change is the result of discussions with a neighboring property owner. The last change is a result of planning staff request to show a potential location for a dumpster pad. Staff believes that the changes are minor and/or more restrictive than the previous plan presented to the Zoning Committee and do not warrant additional review by the Zoning Committee.</p>
Item #24	<p>Petition No. 2018-060 by Eid Refaey (Council District 1 – Egleston) for a change in zoning for approximately 1.04 acres located on the north side of Parkwood Avenue, east of Harrill Street, west of Allen Street.</p> <p>The following change was made after the Zoning Committee's recommendation. The petitioner has voluntarily submitted the changes to the Zoning Committee for review.</p> <ol style="list-style-type: none"> 1. A minimum of one residential dwelling unit located within the existing structure on site shall maintain monthly rents that are income restricted for households earning 80% or less, of the area median income for a period of not less than 20 years from the date of issuance of a certificate of occupancy. <p>Staff Recommendation: Staff believes the changes are minor or more restrictive than those considered by the Zoning Committee. The change does not warrant additional review by the Zoning Committee.</p>