



Zoning Committee

REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional) with five-year vested rights

LOCATION

Approximately 3.49 acres located on the east side of Park Road, north of Sharon Road.
(Council District 6 - Bokhari)

PETITIONER

Llewellyn Development, LLC

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *South District Plan* and *General Development Policies*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends single family residential use; and
- The proposed density is 5.73 dwelling units per acre.

Therefore, 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 proposal is for 20 single family attached residential dwelling units with a density of 5.73 units per acre; and
- There are similar residential developments zoned UR-2 (urban residential) in the area along Park Road, including a recently approved development with single family attached and multi-family residential dwellings at Park Road and Sharon Road; and
- The site is located along a major thoroughfare and not located within or at the entrance to an established single family neighborhood; and
- The proposal contains commitments that provide compatibility with adjacent single family homes including:
 - Limiting the building height to 45 feet. The base height in residential zoning is 40 feet; and
 - Providing a 24-foot class C buffer along the property lines abutting single family homes. Traditional multi-family zoning would also require a 24-foot class C buffer abutting single family; and
 - Committing to architectural standards that specify building materials, limit blank walls and reduce the impacts of garage doors and lighting.

- The site plan includes a commitment that the buildings will be no closer than 40 feet from the property line along Park Road.

Motion/Second: Watkins / McMillan

Yeas: Fryday, Ham, McMillan, Nwasike, Sellers, Sullivan and Watkins

Nays: None

Absent: None

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan. Staff indicated that a number of the outstanding issues had been resolved; however, a few items related to transportation remained outstanding. Staff described the issues that remained related to streetscape along Park Road and the request to show a future back-of-curb with a 16-foot planting strip. The area would accommodate a future buffered bike lane along with right-of-way dedication to provide the space for bike lane improvement. Lastly, a request to remove the existing back-of-curb sidewalk. Staff noted there are existing trees along the back of the existing sidewalk the petitioner is trying to preserve. Therefore, the proposed sidewalk is shown well into the site and the petitioner has stated they feel that removing the existing sidewalk could impact the trees.

The commissioners asked CDOT to review the outstanding issues. CDOT stated they were asking for space for a future bike facility along Park Road and this is consistent with what would typically be requested through rezonings. CDOT provided the example of the rezoning at the corner of Park Road and Sharon Road south of the subject site (Petition 2015-014) that provided space for a future bike facility and dedicating the future cross section. In regards to the sidewalk, anytime new development occurs and there is existing sidewalk at the back-of-curb CDOT asks for the new streetscape which would include removal of the sidewalk so that ordinance required street trees can be installed.

A commissioner asked if CDOT wanted to uproot existing trees to put in new trees. CDOT stated they are asking the petitioner to provide the space and add a note to the plan that they would work with staff and during permitting. The details of the final design of the planting strip and sidewalk would be determined then.

The commissioner questioned if these were requests and not requirements. CDOT staff stated there is a policy that we get bike facilities on roads which is how the City got the space and right-of-way on the rezoning to the south. Planning staff clarified that in the UR-2 (urban residential) zoning the setback is measured from the future back-of-curb which is determined by either an adopted streetscape plan or by CDOT in conjunction with Planning. Since CDOT indicates the future back-of-curb should accommodate the future bike facility and we do not have a specific plan that says what kind of bike facility, we rely on CDOT's request. The commissioner asked if the bike lane would be constructed by the City when the development occurs. It was

clarified that it could come in the future and what is being asked is that space is provided. Planning staff explained as an alternative to specifying a setback they have added a note that the buildings constructed on the site will be no closer than 40 feet from the property line along Park Road. The petitioner has stated that this note provides the space for any improvements that may come in the future. A commissioner confirmed that meant they are not giving (dedicating) the land along Park Road now, but there will not be buildings too close and in the way of future improvements.

A commissioner asked about the specifics of rezoning to the south (2015-014). Planning staff stated that there was a 13-foot planting strip to accommodate a buried bike lane (the curb would move five-feet) and a six-foot sidewalk with a 20-foot setback from the future back-of-curb. On the proposed rezoning CDOT is requesting a 16-foot planting strip, so the curb would move eight feet back to accommodate the buffered bike lane. The commissioner asked why there was a difference between the two rezoning. CDOT explained that they had added a few more feet to the bike facility because the recently adopted bike plan suggests bike facilities with a buffer between cyclists and vehicles. The difference between the two rezonings is a standard bike lane versus a buffer bike lane. The commissioner asked how the differing bike lanes would be implemented. CDOT explained that when the City does the project CDOT would have to work with the property owners and try to get a bike facility that best fits the needs of the cyclist.

A commissioner asked staff to clarify which are requests and which are required. Planning staff stated that the Ordinance says that the setback is measured off of the back-of-curb (required). There are nuances as to where that back-of-curb is located. Ideally an adopted area plan would provide the specifics; in absence of a plan then CDOT and Planning would determine the back-of-curb and would suggest that the adopted Urban Street Design Guidelines would provide the guidance that for every thoroughfare we want to accommodate a bike lane. The question then becomes how much of a bike lane. Planning staff feels confident the Ordinance requirement would be for at minimum a five-foot bike lane but as mentioned the recent bike plan would suggest a better environment for cyclist.

A commissioner asked about the exact numbers requested. CDOT clarified that eight-feet would be for the bike lane, eight feet for the planting strip and six feet for the sidewalk. Planning staff explained that with the way the site plan is designed and the note that buildings will be at least 40 feet back, the space will be there for the facilities whether it is a five-foot bike lane or an eight-foot bike lane. It is a matter of showing/acknowledging the future facilities on the site plan and dedicating the right-of-way, meaning that CDOT will have the land when they need it for the improvements. Staff clarified that the right-of-way dedication is a request not a requirements.

A commissioner noted that they struggled with trying to interpret

the specific plans for these facilities when they actual implementation would be so far in the future. The commissioner asked about the sidewalk. Staff stated that the petitioner is providing a meandering six-foot sidewalk, but the exact details would not be determined until permitting. A commissioner stated that the sidewalk meanders to try and save trees and that those trees could come out in the future when the bike facility is constructed.

Staff noted that there is an existing sidewalk at the back-of-curb that is five feet wide and is a portion of the space that would become the buffered bike lane. A commissioner said that it could be removed when the bike lane is constructed. Staff clarified that the request is for the sidewalk to be removed with the proposed development.

A commissioner asked about the right-of-way dedication. Staff explained that the request is that the right-of-way be set 22 feet from the existing back-of-curb (8-foot bike facility, 8-foot planting strip, 6-foot sidewalk) with a note that sidewalk could meander and any part of the sidewalk outside of the right-of-way will be placed in a public access easement.

There was no further discussion of this petition.

PLANNER

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