



Zoning Committee

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**REQUEST**

Current Zoning: R-8 (single family residential) and R-22MF (multi-family residential)  
Proposed Zoning: R-8(CD) (single family residential, conditional) and MUDD (CD) (mixed use development, conditional)

**LOCATION**

Approximately 1.75 acres located on the eastside of Waverly Avenue, west side of Kenilworth Avenue, south of Romany Road. (Council District 1 - Egleston)

**PETITIONER**

Suncap Property Group, LLC

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 4-3 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

The petition is found to provide residential land uses as recommended in the *Dilworth Land Use and Streetscape Plan*, but it is inconsistent with the density and height recommendations for development area 'A', based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses at 22 dwelling units per acre (DUA) for the portion of the site along Kenilworth Avenue and residential uses at 8 DUA for the portion along Waverly Avenue. The plan recommends a 40-foot height limit for structures along Kenilworth Avenue.

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 proposed height is inconsistent, but the height is along an existing major thoroughfare and in context with continued re-development along the corridor where both 3- and 4-story buildings are present.
- The proposed building height is an average of 58 feet as measured by the ordinance. The maximum height is 65 feet adjacent to existing 3-story townhomes, and 49 feet adjacent to existing the single family lot.
- The ordinance allows up to 100 feet in building height in the MF-22 Zoning District, so while the proposed height exceeds the area plan recommendation, it falls below the allowed height by-right.
- The R-8 portion on Waverly Avenue seeks to allow single family detached dwellings, and the minimum setback and yards and building height are compatible with the surrounding pattern of development.

- The petition will provide improvements that will significantly enhance the pedestrian environment on the subject site through the development of an 8-foot sidewalk and 8-foot planting strip along the property frontage on both Kenilworth Avenue and Waverly Avenue.

The approval of this petition will revise the adopted future land use map as specified by the *Dilworth Land Use and Streetscape Plan*, from residential at up to 22 DUA to residential over 22 DUA for development area A of the site.

Motion/Second: Samuel / Watkins  
Yeas: Ham, McMillan, Samuel, and Watkins  
Nays: Fryday, Gussman, McClung  
Absent: None  
Recused: None

## ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

One Commissioner had a question about the height of the proposed building. Staff noted that the plan is calling for average height of 58 feet for the proposed structure in development area 'A'. The proposed plan is showing a grade change along Kenilworth Avenue and the plan proposes a 49-foot-tall building adjacent to the existing single-family home and as the site slopes the building will be 65 feet. The elevations provide architectural features and notches to address height concerns.

One Commissioner stated the petitioner's agent pointed to a similar project on Randolph Road near Dotger Avenue believed to be similar and appropriate; but when visiting the back, concluded that given the tightness of Waverly this project would be damaging to Dilworth.

A Commissioner noted that the townhomes on Waverly do not front or address Waverly directly. It was noted that the side facing the street will mimic a front with windows and other elements.

Another Commissioner had a question about the adopted land use and what it recommends for the subject property, and what has changed since the adoption for staff to support the project when the plan is not that old, was subject of much community involvement, was carefully crafted, and won an award; and why in some cases staff follows the plan and in this one does not. Staff noted that the area was starting to change with previous projects approved for higher density on significant infill projects. The project proposed the higher density along a major thoroughfare/corridor, and offers design features to mitigate density.

A Commissioner asked if they should look at projects and impacts individually, if outside factors may override plans, and if infill projects may not fit for a time. Staff noted that everything will get a good look in the Comprehensive Plan process, and that plans should be updated every 5 to 10 years for significant changes.

Another Commissioner noted that this is a difficult petition; that in 2005 when the plan was prepared, no one would have anticipated the growth of the City; that this represents "growing pains." While still uncomfortable with the height at the single family edge, the commissioner felt that when driving along the street it does not seem out of scale.

There was no further discussion of this petition.

#### **MINORITY OPINION**

The Commissioners in the minority stated:

- The proposal is not consistent with the plan's density and height recommendations.
- The Dilworth plan is an award-winning plan in which the residents participated and provided support during the plan creation.
- The area plan is still valid and should be followed.
- Preservation of the character of the Dilworth neighborhood is still important, including the height and density elements.

#### **PLANNER**

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