



Zoning Committee

REQUEST

Current Zoning: R-5 (single family residential)
Proposed Zoning: NS (neighborhood services)

LOCATION

Approximately 0.9 acres located on the west side of E. 36th Street, north of N. McDowell Street and south of N. Alexander Street.
(Council District 1 - Egleston)

PETITIONER

Harrison Tucker, CoHab LLC

**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:

This petition is found to be inconsistent with *36th Street Transit Station Area Plan* with respect to proposed land use, based on the information from the staff analysis and the public hearing, and because:

- The Plan recommends residential uses up to five dwelling units per acre for the site.

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:

- Although the petition is not requesting a transit-oriented district, the site is under a half mile from a high-volume transit station. The density proposed with this petition is complimentary to the density expected around light rail stations.
- The petition is providing enhanced buffering and roof massing along the shared property boundary with single family residential uses, creating an overall form that attempts to match the massing of existing development while transitioning to its maximum height along E. 36th Street.
- The retail element of this project will provide an enhanced neighborhood experience while committing to noise restrictions to stay in harmony with an area that is still largely residential in nature.
- The requested density (67 dwelling units per acre) closely matches that of the Mercury apartments (petition 2012-001; 65 dwelling units per acre), an apartment community one block to the north.
- This petition is complementary to the overall vision of the Blue Line Extension Station Areas found within the Transit

Station Area Plan (2013) by providing a “mixture of uses that create safe, dynamic urban places...”. This project proposes a mixture of residential, retail, and commercial uses in an inventive floorplate and overall design.

- The petition is complementary to the Transit Station Area Plan’s overall goal of community design by creating a “high quality urban environment by enhancing the identity of the Transit Station Area through the creation attractive streetscapes.” This petition accomplishes that through a proposed 16-foot wide sidewalk and street trees along with an activated ground floor with retail uses along the property’s E. 36th Street frontage. The increase in sidewalk width along E. 36th street makes an easily traversable area along a sidewalk that provides direct access to a transit station.
- Although recommended for neighborhood preservation within the *36th Street Transit Station Area Plan*, there have been example rezonings approved in the past that have allowed a higher density residential product within the same block as the subject property.
- The petitioner is committing to providing three affordable housing units through the Federal Housing Voucher program. Furthermore, it provides a potential storefront for a neighborhood retailer through the reservation of 1,600 SF of retail space at 60 percent of the market rate.

The approval of this petition will revise the adopted future land use as specified by the *36th Street Transit Station Area Plan*, from residential uses at up to five dwelling units per acre to Residential/Office/Retail uses for the site.

Motion/Second: Wiggins / Gussman

Yeas: Gussman, Ham, McClung, Nwasike, Spencer, Watkins, and Wiggins

Nays: 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.

A committee member stated that they would vote against this petition on principle, noting that it should have received a TOD zoning designation. They also noted that, with the recent approval of the TOD ordinance, it makes little sense to not recommend TOD for this parcel.

Staff stated that the site’s location was a few parcels removed from any TOD zoning closer to the N. Davidson Street corridor; that the area recommended for TOD within the area plan did not include the subject property, and that an NS zoning designation provided for a greater opportunity for community involvement by adjacent residents through a required community meeting and site plan. Staff also stated that although the zoning request is NS, the density and mixture of uses is still complimentary to the transit corridor.

Other commissioners noted that the proposal included an affordable housing component and local retail space at ground level.

There was no further discussion of this petition.

MINORITY OPINION

The minority opinion was that the location of the property should dictate TOD zoning; their concern is the proposed zoning district and the property's location in proximity to transit, and not specific to the project.

PLANNER

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