



## Legislation Text

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**File #:** 18-984, **Version:** 1

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### **Subject:**

Consideration of rezoning of 430, 440, and 444 Maple Avenue W from C-1 Local Commercial Zone and RS-16 Single Family Detached Residential Zone to Maple Avenue Commercial (MAC) Zone for the proposed 444 Maple project.

### **EXPLANATION AND SUMMARY :**

The applicant proposes a rezoning to the Maple Avenue Commercial (MAC) Zone for the proposed 444 Maple project, which includes a four-story, mixed-use building to include 20,136 square feet of ground-floor commercial space and 160 multi-family rental units located above. Site improvements include at-grade structured and surface parking for retail/restaurant spaces, below-grade parking for residential units, and outdoor dining areas and gathering spaces.

The Future Land Use Plan in the Comprehensive Plan 2015 Update shows the site as mixed-use. The mixed-use category was added to the updated plan to reflect the vision for existing commercial areas to redevelop as mixed-use projects. This rezoning request is compatible with the Zoning Ordinance, through the rezoning process, as conveyed in Article 13.1 MAC Maple Avenue Commercial Zone Regulations in Chapter 18 of the Town Code. The site is eligible for the MAC zoning district, and the applicant is voluntarily opting into MAC rezoning.

The Board of Architectural Review (BAR) has provided a recommendation to Town Council regarding compliance with requirements of Town Code Article 13.1. In accordance with Article 24 of the Town Code, the Planning Commission held a public hearing on the rezoning application on May 23, 2018, which was continued to June 13, 2018, at which time the Planning Commission recommended approval of the rezoning.

It should be noted that following the Planning Commission public hearing on May 23, 2018, the applicant made several changes to the project in response to comments made at the hearing as well as those made at the May 17, 2018, BAR meeting. The applicant has provided a letter that lists the full set of changes, but some of the most significant changes include: sections of the top floor were set back six feet; segments of the façade were recessed by five feet instead of two feet; a portion of the elevated walkway along Nutley Street SW was removed and landscaping added on both sides of the sidewalk; the rear elevated courtyard was eliminated; and a ten-foot-wide planting buffer with evergreens was added along the rear property line, therefore no longer necessitating the request for a modification of requirements for landscaping.

Following the Town Council public hearing on July 9, Staff requested third party review of the applicant's transportation impact analysis and neighborhood traffic assessment, a by-right trip generation analysis, and groundwater analysis. The Town's Finance Director also prepared a fiscal

impact analysis.

**Departmental Recommendation** : Staff recommends that Town Council approve rezoning of 430, 440, and 444 Maple Avenue W from C-1 Local Commercial Zone and RS-16 Single Family Detached Residential Zone to Maple Avenue Commercial (MAC) Zone for the proposed 444 Maple project.

**Finance Recommendation** : N/A

**Purchasing Recommendation** : N/A

**Town Attorney Recommendation** : The Town Council has conducted a public hearing on the proposed rezoning and may approve or deny the proposed rezoning after giving due consideration to the relationship of such rezoning to the Town's comprehensive plan, conformity with applicable zoning requirements, and avoidance of spot zoning changes in the zoning map. If changes to the project design are being discussed and considered, it may be to the benefit of the applicant and the Town Council to defer a vote on the proposed rezoning so amendments can be made to the application. Because of the amount of time that has occurred from the first public hearing before the Planning Commission, such a deferral must be at the request and consent of the applicant.

**Town Manager's Recommendation** : The Town Council may approve or deny the proposed rezoning after giving due consideration to the relationship of such rezoning to the Town's comprehensive plan, conformity with applicable zoning requirements, and avoidance of spot zoning changes in the zoning map. If changes to the project design are being discussed and considered, it may be to the benefit of the applicant and the Town Council to defer a vote on the proposed rezoning so amendments can be made to the application. Such a deferral must be at the request and consent of the applicant.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: August 31, 2018

## PROPOSED/SUGGESTED MOTION

"At the request and with the consent of the applicant, I move to defer the vote on the proposed rezoning of 430, 440, and 444 Maple Avenue W from C-1 Local Commercial Zone and RS-16 Single Family Detached Residential Zone to Maple Avenue Commercial (MAC) Zone for the proposed 444 Maple project to the \_\_\_\_\_, 2018, Town Council Agenda meeting, to enable the applicant to provide possible formal amendments to its proposed application for consideration by the Town Council.

Or

"I move to approve rezoning of 430, 440, and 444 Maple Avenue W from C-1 Local Commercial Zone and RS-16 Single Family Detached Residential Zone to Maple Avenue Commercial (MAC) Zone for the proposed 444 Maple project. Such rezoning is specifically conditioned upon and subject to written proffers submitted by the applicant."

Or

Other action deemed necessary by Council.