



PLANNING BOARD RECOMMENDATION

PROJECT #: P24-26-CZD

MEETING DATE: August 8, 2024

PETITION REQUEST: 1st Ave Villas (CMU to CMU)

APPLICANT/PETITIONER: Rafique Charania, ARY Development (owner)
Sarah McCormick, Peacock Architects (applicant)

PLANNING BOARD ACTION SUMMARY:

Staff gave a 33-minute presentation on the requested development - reviewing the site plan in light of guidance from the Gen H Comprehensive Plan and the criteria for considering a rezoning. Staff also presented a range of staff-proposed conditions. The Planning Board asked questions pertaining to the recusal of a member of the Planning Board who's client is the property owner, the proposed parking for the project, the use of pervious materials and potential solutions for loss of privacy. In total Planning Board considered this item for 1 hour and 44 minutes.

APPLICANT PRESENTATION:

The property owner was represented by legal and architectural professionals. The legal representative reviewed aspects of the Gen H Comprehensive Plan and zoning code references. The architect presented renderings of the site. During the presentation the applicant agreed to the several of the staff-proposed conditions including the following:

- In order to reduce unreasonable loss of privacy, the existing vegetation on the east property edge should be fully preserved.
- Provide fully functioning upper-floor balconies and first-floor patios on front façade with front entrances connected to right-of-way.
- Provide sidewalk connection to street edge from first-floor units and from sidewalks which flank center-drive aisle.
- Provide fenestration on front facing façade of rear elevator/stairwell
- Enclose the rear and front stairwells in order to better blend with surrounding neighborhood. At a minimum use fenestration on street-facing sides to provide light and design consistency. Fenestration on front, street-facing façades should align horizontally throughout the development - i.e. windows on elevator/stairwell should align with windows on residential units.
- Provide delineated on-street parking on north side of 1st Ave to address parking concerns expressed at NCM and to help buffer the sidewalks.

The developer did not agree to two staff-proposed conditions: 1) aligning the building edge with the street edge and 2) shifting the balconies to the interior of the site. The developer is reviewing two additional Planning Board proposed conditions: 1) address unreasonable loss of privacy on west side in order to achieve zoning code compliance and 2) utilize pervious material throughout the parking and drive area.

PUBLIC COMMENT:

Limited to 3 minutes per person.

- Ken Fitch, 1046 Patton St - brought up issues related to size of the parcel, the perspective of the renderings, buildings out of character with the neighborhood, parking, safety, traffic and the removal of trees.
- Lynne Williams, Chadwick Ave - took issue with Tamara Peacock being in the room during the deliberation and staff speaking with the applicant's attorney. She brought up issues related to impacts to buffers, expansion of front balconies, location of dumpsters, the number of meetings on this project, gentrification/affordability, and incompatibility of the character of buildings.
- Katy Gash, 705 Ciccone Drive - church is located just a couple parcels to the west, has some concerns with potential impacts. However, she felt as though the developer is making a good faith effort to address concerns heard at the previous Planning Board meeting. She expressed that the project aligned with the Gen H Comprehensive Plan and the developer should not be faulted for aligning their plans with the City's plans. Still has concerns related to gentrification.
- Alfred King, 105 Fleming St - long-time resident. He saw parking as the biggest concern. Pointed out that the verbally referenced Parking Agreement with 1st Church of the Nazarene would potentially go away if the Church ultimately needs to utilize that space. It is not an affordable project. It doesn't match the neighborhood. And there is not enough parking.

DELIBERATION:

The Planning Board deliberated about "unreasonable loss of privacy", reviewed the various conditions and proceeded with a motion that included addressing privacy concerns on the west side and expanding the pervious vehicular use area proposed by the developer to cover the entire parking lot rather than just the center drive, loading zone and parallel parking spaces.

MOTION:

Peter Hanley moved that the Planning Board recommend approval providing the following:

COMPREHENSIVE PLAN CONSISTENCY STATEMENT:

The petition is consistent with a range of Goals, Guiding Principles and the Future Land Use Designation of Chapter IV of the Gen H Comprehensive Plan.

REASONABLENESS STATEMENT:

[Rationale for Approval]

1. The petition incorporate a mix of housing types into an existing urban neighborhood
2. The petition provides an efficient use of property in the core of the city
3. The petition would place residents within an area of existing city services and infrastructure
4. The petition would place residents within walkable / bikeable proximity of a range of destinations including employment, shopping, and recreation.
5. The petition provides walkable neighborhood design characteristics
6. The petition proposes to have a vibrant interface with the public realm
7. The petition limits the unreasonable loss of privacy on adjacent properties

BOARD ACTION

- **Motion/Second:** Hanley / Johnson
- **Yeas:** J. Robertson (Chair), Hanley, Flores, Waters, Johnson
- **Nays:** N/A
- **Absent:** Cromar, B. Robertson, Gilgis, Whiting
- **Recused:** Peacock (started the meeting on the dais but recused prior to this action item)