

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-004
Address: 5680 Eden Village Drive (*Approximate Addresses*)
Location: Pike Township, Council District #8
Petitioner: Olanrewaju Ahmeed Azeez
Request: Rezoning of 1.55 acres from the C-S district to the D-6 district to allow for a single-family attached residential development.

The Hearing Examiner continued this petition from the August 24, 2023 hearing, to the September 28, 2023 hearing, to provide time to submit a request to modify the commitments and provide required notice.

Staff is requesting a **continuance from the September 28, 2023 hearing, to the October 26, 2023 hearing**, to provide additional time for discussions with the petitioner regarding recent information related to the zoning history of this site and consultation with the Department of Public Works.

Petition 89-Z-189 rezoned seven acres (including this site) to the C-S district. The developer was required to connect West 57th Street between Georgetown Road and the residential property to the west. According to the rezoning file, the developer filed for bankruptcy and the connection was never made.

Petition 2002-ZON-072 provided for the multi-family development to the east, across Eden Village Drive, and included a commitment that the Department of Public Works would determine an appropriate financial contribution for the West 57th Street connection based upon the “pro rata portion of land in the development.” That has not occurred.

Staff felt an approval petition to modify the commitment related to West 57th Street would be appropriate but determined that because the commitment would impact the residential areas to the west and north, at least 50% of the homeowners would be required to support the modification. Staff is not confident that this would be possible.

Because of the history of this site, staff believes it would not be appropriate to burden the current petitioner with the costs associated with the West 57th Street connection when previous developments have not made any financial contributions.

When the Department of Public Works determines that the West 57th Street connection is a priority, staff would request a commitment similar to the 2002 commitment for this current rezoning request, with the understanding that sidewalks would be installed along the northern and eastern boundaries of this site as part of the staff’s approval of this request.

Consequently, additional time will be required to amend the site plan that would limit access to the site along Eden Village Drive and provide time for the petitioner to work with the neighborhood association.

(Continued)

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The petitioner has filed an approval petition, which will be docketed for the September 28, 2023 hearing, which impacts development of this site. Staff, therefore, is requesting a continuance of this rezoning request to the September 28, 2023 hearing, so that both petitions can be heard together.

The Hearing Examiner continued this petition from the from the June 29, 2023 hearing, to the July 27, 2023 hearing, and from the July 27, 2023 hearing, to the August 24, 2023 hearing, to provide time for the petitioner to submit an approval petition modifying commitments related to 89-Z-158.

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the May 25, 2023 hearing, to the, June 29, 2023 hearing.

The Hearing Examiner continued this petition from the March 23, 2023 hearing, to the April 27, 2023 hearing, and to the May 25, 2023 hearing, at the request of staff to provide time to review and discuss revisions to the request.

The Hearing Examiner continued this petition from the February 23, 2023 hearing, to the March 23, 2023 hearing, at the request of the petitioner's representative to explore other rezoning options, which may require new notice.

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