

Cherrywood Neighborhood Association  
**Planning and Zoning Committee Meeting Notes**  
 January 14, 2007, 6:30 PM  
 Taqueria Los Altos (32<sup>nd</sup> St. and IH-35)  
 Prepared by Glenn Reed, Committee Chair

Attendees:

Glenn Reed, Chair	Lafayette	636-2655
Amy Brotman	Concordia	589-8545
Mark Schiff	French Place	478-3420
Martin Barrera	Robinson	494-1545
Alissa Zachery	Larry Ln.	554-5408
Billy Zachery	Larry Ln.	825-3305
Kyra Edeker	Giles	452-4738
Rebecca Snearly	Giles	505-879-7561
Summer McKee	Werner	426-3934
Michael Stricklin	Giles	658-9737
Tom Wald	Maplewood	203-7626
Matt Kleinman	Giles	921-2645
<b>Guests:</b>		
Paul Kudrle	Capitol City Relocation	698-2118
Sean Murphy	Capitol City Relocation	698-7326

Agenda items and current discussions/recommendations:

**APPLICANT PRESENTATIONS**

1) 1715 Giles resubdivision

Background:

The owners are seeking to resubdivide the lot at 1715 Giles into two lots. Girard Kinney submitted a petition opposing the applicant's request signed by 33 nearby residents at the December Planning Commission meeting, at which time the Planning Commission granted a postponement of this item until the January 15 meeting. Glenn Reed extended an invitation to the applicants, Sean Murphy and Paul Kudrle, to attend the next P&Z committee meeting to discuss all aspects of the project including the resubdivision and their future plans for the property. The meeting was scheduled for January 14 at the request of the applicants.

Meeting notes:

The applicants stated that their intention was to secure the resubdivision and then sell the two resultant lots individually. If they are unable to sell the lots, then they would consider their options for building on them. The committee expressed concern about how the lots would be developed, particularly their compatibility with the surrounding homes, and asked that the applicants return to discuss these issues in greater detail if they decide to develop the lots themselves. Those in attendance agreed that having two smaller lots

rather than one large lot would offer greater protection against incompatible development. Thus, there was consensus to support the resubdivision request at the January 15 Planning Commission meeting.

## **OLD BUSINESS**

### **2) Status of CNA application for zoning changes to allow VMU**

#### Background:

CNA submitted an application to the City to “upzone” 12 properties along Manor Road and IH-35 from their current MF (multi-family) zoning category to GO-MU (General Office – Mixed Use), to make them eligible for VMU development. It is expected that this zoning change will be readily approved.

Part of the neighborhood’s intent in encouraging VMU is to retain residential uses, including affordable housing, on the subject properties. Girard Kinney recently identified an unintended consequence of the requested zoning change from MF to GO-MU – that if, after the zoning change takes effect, a property owner chooses NOT to opt for VMU, the property could be developed as a pure commercial use under the base GO zoning and could lose its residential component.

Girard has been in contact with the City seeking a way to correct this problem. This is a “deal breaker” issue, meaning that if it cannot be resolved then the application for the zoning change would be withdrawn or, if too late to be withdrawn, opposed by the neighborhood.

#### Meeting notes:

Our zoning change request for the 12 subject properties is still pending. We have not yet succeeded in correcting the problem of potentially losing residential uses under the proposed new zoning.

The city has recently proposed a new ordinance that would allow VMU development on MF zoned properties. If this ordinance were to pass, our zoning change request could be withdrawn, as most of the properties in question already have MF zoning. This would be the best possible outcome for the neighborhood in that it would assure a continuing residential use on these properties while allowing the denser and higher quality development demanded by VMU.

We expect the VMU zoning change requests to be on the Planning Commission agenda in the near future.

### **3) Zoning change request for 1106 and 1110 East 30<sup>th</sup> St.**

#### Background:

The owners of two properties located near the intersection of 30<sup>th</sup> St. and IH-35 wish to change the zoning of these properties from MF to GO in order to alleviate current tenant issues related to the heavy traffic and parking volume generated by the People’s Community Clinic across the street, meet the regulatory requirements to allow the height of the cell tower on the site at the corner of IH-35 and 30<sup>th</sup> St. to be increased by 20 feet, thereby allowing additional cell phone carriers to use the tower, and to increase revenue generation of these properties to offset increasing property taxes and operating expenses.

They have expressed their intention to develop the two sites into medical offices (in the existing residential structures) with off street parking.

The committee expressed concern about commercial development of any kind moving eastward into the residential part of the neighborhood, the possible incompatible uses that the zoning change would allow, and the desire to avoid exacerbating the existing parking problems associated with the inadequate parking provided by the People's Community Clinic.

Meeting notes:

Glenn Reed and Girard Kinney met with the applicant's representative, Vince Huebinger, on December 20 at the applicant's request. Mr. Huebinger related that he had determined that under the current regulations, two properties within a 200-foot diameter from the base of the cell tower may remain in residential use, but must have at least GO zoning. The property on 31<sup>st</sup> Street that is not owned by the applicant falls within the 200-foot zone but is too small to receive GO zoning. Therefore he is seeking a variance from the city to allow the cell tower extension to occur without rezoning any of the three affected properties. This would allow the current residential zoning to remain, which is the outcome that would best serve the neighborhood's goal of retaining the residential uses and avoiding commercial encroachment at these locations. The P&Z committee would likely support the applicant's variance request, or remain neutral. This is expected to appear on the Planning Commission agenda in early March.

**4) Possible Core Transit Corridor designation for Manor Road and Airport Blvd.**

Background:

At issue is whether to request that these two roads be upgraded from "Urban Roadway" designation to "Core Transit Corridor" designation. Michael Bray and Girard Kinney clarified that this designation would bring legal requirements for future development affecting building position, sidewalk width, street amenities (trees, benches, shading), parking, etc.

Meeting notes:

Girard Kinney is seeking materials, and possibly a presentation at a future P&Z meeting, from Mark Walters, the COA neighborhood planner assigned to the UBCPT, in order to clarify the substantive differences between Urban Roadway and Core Transit Corridor designations.

**5) 38.5 Street Issues (3717 Robinson zoning change request, long term vision, bus stop issues)**

Background:

A request for neighborhood support of a zoning change for the residential property at 3717 Robinson was the catalyst for a broader discussion about the future of 38.5 Street between the railroad tracks and IH-35. At the November 12, 2007 meeting, the committee voted unanimously to immediately begin developing a comprehensive plan for this section of 38.5 Street. The purpose of this effort will be to establish a consistent framework within which to consider future zoning change requests or other issues concerning the properties along this portion of 38.5 St.

The owner of 3717 Robinson requested the neighborhood's support for a zoning change from MF to GO in order to open a business at that location. Primarily because of the committee's new initiative to develop a long-range vision for this section of 38.5 St., the committee voted not to support the requested zoning change at the present time, the rationale being that the vision/plan for the street must be established first so that this and future similar requests may be considered within the context of that vision.

The CNA membership at large supported this position at the December 2007 quarterly meeting. This case will not be on the Planning Commission agenda on the 15th, but may be on the 29th. We will attend that meeting to register our opposition and our reasons.

#### Meeting notes:

At this meeting the discussion focused on compiling a list of problems on this section of 38.5 St. Problems included:

- Property vacancy (residential and commercial)
- Lack of safe way for pedestrians to cross from bus stop or our neighborhood to the Fiesta center.
- Types of businesses in the Fiesta shopping center may not be those that our neighborhood would most desire and be most likely to patronize.
- Fate of Hangers site unknown. Quack's not a vibrant part of neighborhood life.
- Cut through rather than local traffic on 38.5.
- Vagrant problem in general – trash, security, public intoxication, interactions at bus stop, etc.
- Inadequate stewardship of properties at neighborhood "gateway" – Chevron, Party Stop, and Fiesta center.

We identified numerous wide ranging and interrelated issues that affect the overall feel and function of this street section and committed to reviewing past efforts to effect solutions to some of the persistent problems. The intent is to create a comprehensive outline of problems, stakeholders, and possible solutions that can be pursued in the coming months. We will also partner with the CNA Transportation Committee and others as appropriate.

## **NEW BUSINESS**

### **6) Standing Planning and Zoning Committee meetings**

Due to the number of pending issues and ongoing projects, beginning in February the P&Z Committee will meet on the first Wednesday of every month at 6:30 PM. Locations will vary and will be established when the agendas are posted prior to the meetings.

### **7) 3203 Larry Lane**

Billy and Alissa Zachary introduced their plans to renovate their residence at 3203 Larry Lane in order to open a home-based acupuncture clinic. This property is among those that will be eligible for VMU development when the Planning Commission approves the program for our neighborhood, assuming that the associated zoning change is also approved. They have hired an architect, Vehko Architecture, and a builder to look at costs and feasibility issues including ways of meeting off-street parking requirements.

They intend to use sustainable building materials. We look forward to future updates as their planning progresses.