

**ZONING COMMITTEE  
RECOMMENDATION  
March 26, 2008**

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**Rezoning Petition No. 2007-040**

**Property Owner:** The Boulevard Company

**Petitioner:** The Boulevard Company

**Location:** Approximately 1.77 acres located on the west side of North Cedar Street between West 5th Street and Cates Street

**Center, Corridor or Wedge:** Center

**Request:** UR-2, urban residential to MUDD (CD), mixed use development conditional district

**Action:** The Zoning Committee voted unanimously to recommend approval of this petition with the following modifications:

- A maximum of 250 units and a maximum of 5,000 square feet of retail are shown.
- Overhead utilities currently located on the site are shown on the plan.
- The proposed zoning boundary line is indicated on the site plan.
- The maximum number of stories is limited to 8.
- New utilities, back-flow preventors, and transformers will be underground, screened by an architectural wall or located in the building.
- The proposed service areas are within the parking deck.
- The Conceptual Elevations are drawn to scale, delineate the base of the high rise, indicate the building materials, the height of the buildings, label the use of the middle one-level structure, identify clear glass, and identify building entrances.
- The height of the building will not exceed 100 feet above the average grade along North Cedar Street.
- A sand filter will be installed on the property.

**Vote:**

Yeas:	Howard, Lipton, Loflin, Randolph, Rosenburgh, and Sheild
Nays:	None
Absent:	Johnson
Recused:	None

## **Summary of Petition**

This petition proposes to rezone approximately 1.77 acres located on the west side of North Cedar Street between West 5th Street and Cates Street from UR-2 to MUDD (CD). The site plan accompanying this petition shows a building envelope, the location of multiple curb cuts and building elevations. The request is for 250 residential units and 5,000 square feet of retail.

## **Zoning Committee Discussion/Rationale**

Staff reviewed the petition noting the site plan issues that had been resolved (see above) and noting that the Storm Water comments had not been addressed. Doug Lozner from Storm Water Services explained to the Committee that the petitioner should provide an underground sand filter or one of the other approved options to provide some form of water quality treatment. The rules were suspended and Walter Fields, the petitioner's agent, was asked if they looked at water quality treatment options. The majority of the property is covered with building so it was difficult to come up with a traditional BMP. In addition the petitioner is trying to stay away from the stream located on the edge of the property. That leaves very little room to work and detailed grading analysis has not been done to determine if a sand filter will fit and drain properly.

The discussion concerning water quality treatment continued with the Committee asking about the more common forms of treatment and if the issue could be resolved through the building permitting process. Mr. Lozner explained that the most common is the underground sand filter because it can be done below ground. He further noted that if the issue was not resolved as a part of the conditional rezoning, the developer would not be required to provide water quality mitigation.

The Commission asked if there were any other opportunities to obtain the water quality. Mr. Lozner indicated that there may be but this petition is challenging and the underground sand filter is the best method. There are other methods being studied but none have been approved. Chris Branch, the developer, indicated that he was concerned about committing to a treatment option where the cost is unknown. He stated that he is willing to commit to a sand filter and make that as a condition of the rezoning.

## **Statement of Consistency**

Upon a motion made by Commissioner Loflin and seconded by Commissioner Sheild the Zoning Committee unanimously found this petition to be consistent with the *Third Ward Neighborhood Vision Plan* and reasonable and in the public interest.

## **Vote**

**Upon a motion made by Commissioner Sheild and seconded by Commissioner Loflin the Zoning Committee voted unanimously to recommend APPROVAL of this petition with modifications.**

## **Staff Opinion**

Staff agrees with the recommendation of the Zoning Committee.