

**ZONING COMMITTEE
RECOMMENDATION
May 30, 2007**

Rezoning Petition No. 2007-058

Property Owner: Bryant Park, LLC

Petitioner: Bryant Park, LLC

Location: Approximately 36.14 acres located on the east side of Berryhill Road between Morton Street and Freedom Drive.

Center, Corridor or Wedge: Corridor

Request: R-22 MF, multi family residential and I-1, light industrial to MUDD (O), mixed-use development district conditional district.

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

- “The petitioner agrees to preserve at least 2/3 of the existing tree canopy immediately adjacent to the sidewalks on Fleetwood Drive and Evergreen Drive, and commits to make a good faith effort to preserve as many as reasonably possible. “
- “The footprint indicated for Phase IV is illustrative only. The actual plan may vary based upon final engineering, but the building will include no more than 270 units and 20,000 square feet of retail, be no higher than 120’, and conform in all respects to the requirements of the MUDD-CD district.”
- Amend the Development Data Summary on the Technical Data Sheet to reflect a maximum 270 apartment units and a maximum 330 single family, town home, and condominium units.
- Note 21 will be removed from the site plan.
- All new roads will meet current City standards unless a variance is granted through the subdivision process.
- Streets with on-street parallel parking will have bump outs at intersections beginning at a minimum distance of 20-feet from the end of the curb radii.
- All CDOT comments will be addressed on the site plan.

- Long sections of recessed on-street parking will be revised to provide shorter sections to “break-up” the wide pavement cross sections.
- The petitioner will work with MCPR regarding the location of our BMP and the future greenway trail. A note will be added to the site plan dedicating the entire Managed Use Zone of the SWIM buffer to MCPR, as well as those portions of the 100’ SWIM buffer needed for the trail. This will allow the possibility that some portions of the 100’ SWIM buffer may be used for our BMP or its outfall, if necessary.
- A greenway neighborhood entrance is located in Phase Three and a note stating the petitioner will work with MCPR on its exact location. The petitioner commits to providing a greenway neighborhood entrance in Phase 4 at a place and dimensions acceptable to MCPR, recognizing that the issue regarding the requested CDOT right-of-way needs to be resolved first.
- A note has been added to the site plan indicating that all of our units in Phase I, II, and III will be served by rollout service. Phase Four will have dumpsters, but none of the design work has been done for this phase.
- The petition has been converted to an optional request to allow the following streetscape modification on the following streets:
 - Use of the recently installed sidewalks along Millerton; and
 - The existing sidewalk and plating strip will remain on Evergreen and Fleetwood.
 - No sidewalks will be required on the greenway side of the new street adjacent to the greenway except where necessary to allow pedestrian access to the greenway.
- The trees save areas have been indicated on the site plan.
- The petitioner will consider screening the existing dry pond next to Berryhill Road.
- The site will comply with the Storm Water requirements in place at the time the property is developed.

Vote:	Yeas:	Carter, Cooksey, Loflin, Randolph, Ratcliffe, and Simmons
	Nays:	None

Absent: Sheild

Summary of Petition

This petition proposes to rezone approximately 36.14 acres to allow the redevelopment of the Westwood Apartments. The proposed development will consist of 600 residential units with an overall density of 16.6 units per acre. The site plan accompanying this petition shows the proposed use as single-family detached and attached and multi family. The development will occur in four phases with phases 1, 2, and 3 consisting of single-family lots, row houses and quadraplexes; and phase 4 consisting of multi- family housing. Parking will be provided at the rate of 1 space per dwelling unit and garage parking will be provided to meet the parking requirements. Two access points are provided from Millerton Avenue and four from Berryhill Road. Lower density housing is proposed along the western edge to provide a transition to the adjoining Columbus Circle single-family neighborhood.

The site plan limits detached lighting to 20-feet and prohibits the use of wall pak lighting. Detached lighting will be fully shielded. An internal sidewalk system will be provided to connect the multi-family units with sidewalks on adjacent public right-of-ways.

Zoning Committee Discussion/Rationale

Keith MacVean reviewed the petition and indicated that the request had been modified to MUDD-O. The majority of the outstanding site plan issues were resolved. As a part of a compromise, CDOT and the petitioner agreed to move the proposed street in Phase Four. This move allowed the street to remain 50-feet in width.

A commissioner asked if all Storm Water issues were resolved. The rules were suspended to ask the petitioner's agent Latham Grimes about the storm water issues. Mr. Grimes explained that originally they agreed to the requests made by Storm Water Services. Upon further investigation, they found the costs to meet the proposed Post Construction Ordinance requirements excessive. The petitioner now agrees to meet the Storm Water regulations that are in effect at the time the property is developed.

Statement of Consistency

Upon a motion made by Commissioner Carter and seconded by Commissioner Loflin the Zoning Committee unanimously found this petition to be consistent with the Central District Plan, the GDP Transit Station Area Principles, and the Draft Bryant Park Plan and to be reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Carter and seconded by Commissioner Simmons the Zoning Committee voted unanimously to recommend approval of this petition with the noted modifications.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.