

**ZONING COMMITTEE
RECOMMENDATION
September 26, 2007**

Rezoning Petition No. 2007-104

Property Owner: New Bethel Church Ministries

Petitioner: New Bethel Church Ministries

Location: Approximately 4.47 acres located on the northwest corner of Wesley Heights Way and Duckworth Avenue

Center, Corridor or Wedge: Wedge

Request: R-8, single family residential, up to 8 units per acre, R-22MF, multi-family residential up to 22 units per acre, and R-22MF(PED), multi-family residential up to 22 units per acre, pedestrian overlay district to UR-3(CD), urban residential district, conditional and UR-3(CD) (PED-O), urban residential district, conditional, pedestrian overlay district-optional

Action: The Zoning Committee recommended **APPROVAL** of this petition by a vote of 5-1

Vote: Yeas: Howard, Loflin, Randolph, Rosenburgh, and Shield

Nays: Johnson

Absent: Lipton

Summary of Petition

The request is to rezone approximately 4.47 acres located on the northwest corner of Wesley Heights Way and Duckworth Avenue from R-8, R-22MF, and R-22MF (PED) to UR-3 (CD) and UR-3 (PED-O) in order to accommodate the construction of 132 condominium units, a five-story parking deck with 220 parking spaces and 5,500 square feet of street level retail, and 25 townhouses. A portion of the site lies within the *West End Land Use and Pedscape Plan*. The rezoning will increase the residential density permitted on site and request a height increase of 23'-4" more than allowed by the PED Overlay District (maximum 40 feet). The request is consistent with the land use policies set forth in the *West End Land Use and Pedscape Plan* and the *Central District Plan*.

Zoning Committee Discussion/Rationale

Keith MacVean summarized the request and noted the surrounding land uses and zoning designation. Mr. MacVean stated that the request is consistent with the *West End Land Use and Pedscape Plan* and *Central District Plan*. Commissioner Johnson asked about the height increase and Mr. MacVean stated that the development would be replacing a larger sized building, and acknowledged existing apartments to the south. Commissioner Howard noted that the proposal backs up to fairly less intense residential development. Mr. MacVean responded by stating an attempt was made with this development to provide a transition from the condominium/retail/parking structures located closer to the intersection to the placement of the townhomes further to the north of the site. Mr. MacVean also noted probable redevelopment of the residential development lying between Duckworth Avenue and W. Trade Street.

Statement of Consistency

Upon a motion made by Commissioner Shield and seconded by Commissioner Rosenburgh, the Zoning Committee voted unanimously 6-0 to find that the proposed rezoning was consistent with the *West End Land Use and Pedscape Plan* and *Central District Plan* and was reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Shield and seconded by Commissioner Randolph, the Zoning Committee voted 5-1 to recommend approval of this petition.

Minority Opinion

Commissioner Johnson expressed concerns with the density and scale of the development.

Staff Opinion

Recognizing the existing residential homes, staff worked with the petitioner to allow for an improved transition from the condominium portion of the development to the townhome section. The plans governing this site support the proposed development. In addition, because half of the site is not within the PED area, the *General Development Policies* (GDP) residential location analysis was used to determine the density that can be supported. The GDP support a residential density of 17 dwelling units or more per acre on this site. Staff supports this request.