

FILE NO.: Z-8503-D

NAME: Herrick Heights Long-form PD-R

LOCATION: Located on the west side of South Bowman Road between Brodie Creek Subdivision and the Pointe at Brodie Creek Apartments

DEVELOPER:

The Pointe at Brodie Creek, LLC
9800 Maumelle Boulevard
North Little Rock, AR 72113

ENGINEER:

White-Daters and Associates
24 Rahling Circle
Little Rock, AR 72223

AREA: 70± acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: R-2, Single-family

ALLOWED USES: Single-family residential

PROPOSED ZONING: PD-R

PROPOSED USE: Single-family, Multi-family, O-1, Quiet Office District

VARIANCE/WAIVERS: A variance from the City's Land Alteration Ordinance to allow grading of the entire multi-family development site with the development of the first phase of the apartments.

BACKGROUND:

On October 8, 2015, the Planning Commission denied a request to rezone 23 acres of an overall larger tract from R-2, Single-family to Planned Development Residential to allow construction of 400+ units of multi-family housing. The developer had indicated an overall development plan including boundary street improvements to South Bowman Road and a commitment to develop the northern portion of the property as single-family. The rezoning request did not include the entire 70+ acres and there were no measures for staff to enforce the developer's proposal.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is now proposing to rezone the entire site (73.95-acres) to Planned Development Residential to allow for an overall development plan of the entire acreage. The proposal includes the entire tract the developer is proposing to purchase. The plan indicates the northern portion of the site with single-family detached homes. There is an area located along South Bowman Road which is indicated for future development with a use other than multi-family. The plan indicates single-family residential contained within 27.25 acres, the multi-family development contained on 23.45 acres, floodway and open space containing 11.75 acres and O-1, Quiet Office District uses containing 11.50 acres.

The multi-family development will be accessed from the existing development located on South Bowman Road. The multi-family portion of the development is proposed with 408 units. The units will be developed in phases with 120 units open for leasing in 2017, 96 units in 2018, 96 units in 2019 and 96 units in 2020.

B. EXISTING CONDITIONS:

The overall site contains 70+ acres located on the west side of South Bowman Road. The entire site is heavily wooded and is occupied by one single-family home. The area proposed for rezoning to Planned Development Residential is located to the rear of this acreage and is not visible from South Bowman Road. In this area there are 600 units constructed to the south of this site in the Pointe at Brodie Creek. There are an additional 500 units approved located across South Bowman Road. Clearing and grading has been completed and there are currently buildings under construction. Across from the 70-acre parcel is a nursing home and single-family homes located in the Sandpiper Subdivision. North of the parcel are single-family homes located in the Brodie Creek subdivision. South Bowman Road is an unimproved roadway with open ditches for drainage.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several informational phone calls from area property owners. All property owners located within 200 feet of the site along with the Woodlands Edge Community Association and the John Barrow Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. A grading permit in accordance with Section 29-186 (c) and (d) will be required prior to any land clearing or grading activities at the site. Other than residential subdivisions, site grading and drainage plans must be

- submitted and approved prior to the start of construction. Is a variance requested to advance grade future phases of construction with construction of Phase 1?
2. Stormwater detention ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan.
 3. If disturbed area is 1 or more acres, obtain a NPDES stormwater permit from the Arkansas Department of Environmental Quality prior to the start of construction.
 4. A special Grading Permit for Flood Hazard Areas will be required per Section 8-283 prior to construction.
 5. The minimum Finish Floor elevation of at least 1 foot above the base flood elevation of Building 6 and 7 should be shown on grading plans.
 6. In accordance with Section 31-176, floodway areas must be shown as floodway easements or be dedicated to the public. In addition, a 25 foot wide drainage and access easement is required adjacent to the floodway boundary.
 7. Alteration of the water course will require approval from the Little Rock District of the US Army Corps of Engineers prior to start of work.
 8. Prior to construction of retaining walls, an engineer's certification of design and plans must be submitted to Public Works for approval. After construction, an as-built certification is required for construction of the retaining wall.
 9. The owner and/or manager of each multi-family residence of 100 or more dwelling units shall provide recycling and encourage participation by the tenants, renters, or owners of each unit. Contact Melinda Glasgow at 501.371.4646 mglasgow@littlerock.org for more information. Show the trash and recycling locations on the site plan.
 10. Provide a Sketch Grading and Drainage Plan per Section 29-186 (e).
 11. Bowman Road is classified on the Master Street Plan as a minor arterial. A dedication of right-of-way 45 feet from centerline will be required.
 12. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvement to Bowman Road including 5-foot sidewalks with the planned development. The new back of curb should be located 29.5 feet from centerline. A left turn lane should be provided for all driveways.
 13. Submit a Traffic Impact Study for the proposed project. Study should address trip generation and trip distribution for the development and also should take into account existing and projected traffic growth. Study should include: Roadway Level of Service Analysis for 2-lane sections of Bowman Road. (Existing and projected), and signal warrant analysis for Bowman at Cherry Side and Brodie Creek.

14. If the north driveway will be used for more than secondary emergency access, provide a letter prepared by a registered engineer certifying the sight distance at the intersection(s) comply with 2004 AASHTO Green Book standards.
15. If the driveway will be used other than secondary emergency access, the driveway should be paved with asphalt, curb and gutter.
16. Show the proposed driveways or access locations to the proposed residential and proposed non-residential use areas.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer main extension required with easements if new sewer service is required for this project. Capacity fee analysis required. Contact Little Rock Wastewater Utility for additional information.

Entergy: Entergy does not object to this proposal. A three phase power line exists along the east side of Bowman Road on the east side of this property. Another 3 phase line exists to the north of the property. There do not appear to be any conflicts with existing Entergy facilities. Contact Entergy in advance regarding future service requirements to the development and future facilities locations as this project proceeds.

CenterPoint Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
2. The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.
3. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and the Little Rock Fire Department is required.
4. A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.

5. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
6. Contact Central Arkansas Water regarding the size and location of water meter.
7. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water requires that upon installation of the RPZA, successful tests of the assembly must be completed by a Certified Assembly Tester licensed by the State of Arkansas and approved by Central Arkansas Water. The test results must be sent to Central Arkansas Water's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 501.377.1226 if you would like to discuss backflow prevention requirements for this project.
8. The facilities on-site will be private. When meters are planned off private lines, private facilities shall be installed to Central Arkansas Water's materials and construction specifications and installation will be inspected by an engineer, licensed to practice in the State of Arkansas. Execution of a Customer Owned Line Agreement is required.
9. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives area used, a reduced pressure zone back flow preventer shall be required.
10. This development will have minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.

Fire Department:

Maintain Access:

Fire Hydrants. Maintain fire apparatus access roads at fire hydrant locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.

Grade. Maintain fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.2 Grade.** Fire apparatus access roads shall not exceed 10 percent in grade except as approved by the fire chief.

Loading. Maintain fire apparatus access road design as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus

access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

30' Tall Buildings - Maintain aerial fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D105.1 – D105.4

D105.1 Where Required. Where the vertical distance between the grade plane and the highest roof surface exceed 30', approved aerial fire apparatus access roads shall be provided. For the purposes of this section the highest roof surfaces shall be determined by measurement to the eave of a pitched roof, the intersection of a roof to the exterior wall, or the top of the parapet walls, whichever is greater.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26', exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be places with the approval of the fire code official.

Dead Ends. Maintain fire apparatus access roads at dead end locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.4 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. Requirements for Dead-end fire apparatus access roads.

Gates. Maintain fire apparatus access road gates as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Minimum gate width shall be 20 feet.
2. Gates shall be of swinging or sliding type.
3. Construction of gates shall be of material that allow manual operation by one person.
4. Gate components shall be maintained in an operable condition at all times and replaces or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.

6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the keys to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official
8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
9. Gates, intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F 2200.

Multi-Family Residential Developments. As per Appendix D, Section D106.1 of the 2012 Arkansas Fire Prevention Code Vol. 1. Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all building, including nonresidential occupancies are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2.

As per Appendix D, Section D106.2 of the 2012 Arkansas Fire prevention Code Vol. 1. Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

Fire Hydrants. Locate Fire Hydrants as per Appendix C of the 2012 Arkansas Fire Prevention Code. Section C101 – C105, in conjunction with Central Arkansas Water (Jason Lowder 501.377.1245) and the Little Rock Fire Marshal's Office (Captain Tony Rhodes 501.918.3757 or Capt. John Hogue 501-918-3754). Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comment received.

County Planning: No comment.

Rock Region Metro: The area is not currently served by METRO. We would like to emphasize maintaining the sidewalk connections to the neighborhood for transit rider access to jobs and shopping. The area is part of our future plans for the West Little Rock express and community shuttle/flex service. METRO has plans to continue to serve near the area on Route 9 and plans to provide service enhancements.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: Project is subject to full commercial plan review and approval prior to issuance of a building permit. For information on submittal requirements and the review process, contact a commercial plans examiner:

Curtis Richey at 501.371.4724; crichey@littlerock.org or
Mark Alderfer at 501.371.4875; malderfer@littlerock.org.

Planning Division: This request is located in the Ellis Mountain Planning District. The Land Use Plan shows Residential Low Density (RL) and Residential Medium Density (RM) for this property. Residential Low Density allows for single family homes at densities not to exceed 6 dwelling units per acre. Such residential development is typically characterized by conventional single family homes, but may also include patio or garden homes and cluster homes, provided that the density remain less than 6 units per acre. Residential Medium Density accommodates a broad range of housing types including single family attached, single family detached, duplex, town homes, multi-family and patio or garden homes. Any combination of these and possibly other housing types may fall in this category provided that the density is between six (6) and twelve (12) dwelling units per acre. The applicant has applied for a rezoning from R-2 (Single Family District) to PDR (Planned District Residential) to allow the construction of an apartment development at 17.4 units per acre, 27 acres of single family at an undetermined density and 11.5 acres of unknown non-residential uses on the site.

Master Street Plan: Bowman Road is a Minor Arterial on the Master Street Plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Bowman Road. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: A Class II Bike Lane is shown along Bowman Road. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. The north, south, and east properties are zoned R-2. As a component of all land use buffer requirements, opaque screening, whether a fence or other device, a minimum of six (6) feet in height shall be required along these perimeters of the site.
3. Eight percent (8%) of the vehicular use area must be designated for green space; this green space needs to be evenly distributed throughout the parking area(s). For developments with more than one hundred fifty (150) parking

spaces the minimum size of an interior landscape area shall be three hundred (300) square feet. Interior islands must be a minimum of seven and one half (7 1/2) feet in width. Trees shall be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces.

4. An automatic irrigation system to water landscaped areas shall be required for developments of one (1) acre or larger.
5. The development of two (2) acres or more requires the landscape plan to be stamped with the seal of a Registered Landscape Architect.
6. The City Beautiful Commission recommends preserving as many existing trees as feasible on this site. Credit toward fulfilling Landscape Ordinance requirements can be given when preserving trees of six (6) inch caliper or larger.

G. SUBDIVISION COMMITTEE COMMENT: (October 28, 2015)

Mr. Tim Daters of White-Daters and Associates was present representing the request. Staff presented an overview of the item stating there were additional items necessary to complete the review process. Staff requested Mr. Daters provide details of the proposed development including the proposed street construction plan. Staff requested he provide the proposed signage plan, the proposed phasing plan and the future uses of the area identified as non-residential.

Public Works comments were addressed. Staff stated a grading plan was required prior to any development of the site. Staff also stated a traffic impact study was required for the proposed development. Staff questioned the driveway access between the existing and new development. Mr. Daters stated the drive would serve as the construction access and upon completion of the project the drive would provide exit only service to the residence. Staff requested Mr. Daters provide a sketch grading and drainage plan.

Landscaping comments were addressed. Staff stated a land use buffer was required along the sites northern, western and eastern perimeters. Staff stated screening was also required along the same perimeters. Staff stated an automatic irrigation system to water landscape areas was required at the time of development. Staff stated a minimum of eight percent (8%) of the interior paved areas was to be landscaped.

There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted a revised site plan to staff addressing most of the technical issues associated with the request raised at the October 28, 2015, Subdivision Committee meeting. The applicant has provided the proposed

building elevations, the construction materials, location and material of any proposed fencing and the location of any proposed signage. The applicant has also provided the proposed phasing plan and indicated the development would not be subdivided into separate lots.

The project is approximately 70-acres located on the west side of South of Bowman Road between the Brodie Creek Subdivision and the Pointe at Brodie Creek apartments. The request is a rezoning of this site from R-2, Single-family to Planned Development Residential to allow the approval of the zoning and a site plan for 408 units of multi-family housing, future development of age restricted residential or single-family and O-1, Quiet Office District.

The multi-family portion of the development is an addition to the existing 600 units located to the south of this site. The acreage of this area is 23.45-acres. This development is proposed containing 408 units. There is an emergency access which will also serve as an exit drive along this property's southern boundary to allow egress for the residents of this development. All ingress is from the existing drive serving the Pointe at Brodie Creek apartments.

An area along the northern perimeter is indicated on the site plan for future development of single-family or age restricted housing. The area of this portion of the site contains 27.25-acres. The development of this area will include detached homes, which will conform to the development criteria of the R-2, Single-family zoning district. If developed as attached age restricted housing the density will not exceed six (6) units per acre.

The applicant has indicated the future use of the non-residential portion of the site. The acreage of this area is 11.50-acres. The applicant has indicated this area will develop with uses as allowed within the O-1, Quiet Office Zoning District. In addition to O-1, the applicant is requesting the allowance of a nursing home or convalescent home or attached residential homes at a density not to exceed six (6) units per acre.

Within the 70+ acre tract the proposal includes maintaining 11.75-acres which is located within the floodway or has been designated as open space. These buffer areas are along the northern, eastern and western perimeters of the proposed multi-family development area. The minimum width of the open space buffer will be 50-feet. The plan also includes an area along South Bowman Road which will be retained as an open space buffer should the area develop with a residential use. The open space buffers for the most part are to remain in their natural state unless approved for modification by the City. Within the buffer areas recreational use by the adjacent residents will be allowed. Construction of walks, walking paths, parks and playgrounds will be allowed. Utilities will be allowed to cross the open space buffers provided the utilizes are placed in a manner so as to minimize the disturbance to existing vegetation and work necessary to maintain underground utilities. Any work authorized by the City for any necessary maintenance related to stormwater drainage will be allowed. Should it become

necessary in the future to provide access across the street the applicant will work with the City and FEMA to determine the best access with the least disturbance.

The development is proposed with materials similar to the existing apartments. The building materials will include brick, stone, drivit and/or siding. The roof will be asphalt architectural shingles. The building is proposed with a maximum building height of 45-feet. The buildings are proposed as three (3) story buildings.

The site plan indicates the placement of dumpsters in various locations throughout the site. The dumpsters will be screened per the typical ordinance requirement or a minimum of two (2) feet above the height of the trash container. Recycling will also be provided for the development. Recycling containers will also be screened per the minimum ordinance standard. The hours of dumpster service have been limited to daylight hours.

The site plan notes wood fencing will be placed along the site's, northern, eastern and western perimeter. The site plan also notes an 8-foot tall vinyl fence will be installed on the north and eastern perimeter. The note states all fencing and locations will match the fencing installed within the existing development.

The applicant has indicated no new signage is proposed for this development. The development does not have street frontage and signage and the placement of signage would be of no benefit to the development. All ingress to the site is from the existing drive entrance which has signage within an entrance feature along South Bowman Road.

The development is proposed in four (4) phases. Phase I includes the construction of five (5) buildings and a pool and pool house. Phase II includes the construction of two (2) additional buildings, Phase III will include the construction of seven (7) buildings and in the final phase three (3) buildings will be constructed. The development contains 17 buildings with 24 units per building. Within the development there are 190 units with one (1) bedroom, 170 units with two (2) bedrooms and 48 units have three (3) bedrooms.

Construction of the units will begin in June 2016 with the final phase of construction beginning in June 2019. The plan includes the construction of 120 units in 2016, 96 units in each of the years from 2018 to 2020.

The development is proposed with 890 parking spaces. The plan indicates 102 garage spaces, 198 carport spaces and 590 uncovered spaces. Parking for a multi-family development is based on one and one-half parking spaces per unit. Based on this calculation 612 parking spaces would typically be required to serve a development containing 408 units.

With the construction of the first phase of the apartments the street improvements to South Bowman Road will be completed adjacent to the 70+ acre site. These improvements include one-half street construction to Master

Street Plan standard. The certificate of occupancy for the first phase of the apartments will not be issued until the street construction is completed.

The request includes a variance from the City's Land Alteration ordinance to allow grading of the entire site with the development of the first phase. The applicant has stated the grading is necessary to allow the site to balance with regard to cuts and fill. The applicant has stated the grading will not be visible from South Bowman Road and any visual impact of the clearing will only be seen from within the existing and the proposed new development area. The tract adjacent to South Bowman Road will not be cleared or graded until the area is a part of a development plan where construction is imminent.

The applicant has engaged a traffic engineer to review and prepare a traffic analysis for this development and the potential impact of this development on South Bowman Road. Staff and the traffic engineer are currently reviewing the traffic analysis and will provide additional information at the public hearing.

I. STAFF RECOMMENDATION:

Staff recommendation forthcoming.

PLANNING COMMISSION ACTION:

(NOVEMBER 19, 2015)

The applicants were present. There were a few registered objectors present. Staff presented the item with a recommendation of approval.

Mr. Tim Daters of White Daters and associates addressed the Commission on behalf of the application. Mr. Daters stated the development was a mixed use development including single-family and multi-family residential, non-residential and/or a combination of both. He stated the non-residential would be limited to density as allowed in the MF-6 zoning district. He stated there was a 700 foot buffer along the western perimeter of the site. Stated all other areas would be buffered with a minimum buffer width of 50 feet. He stated the land use for the property was RM, Residential Medium, which allowed a density between 6 and 12 units per acre.

Mr. Keith Richardson addressed the Commission as the potential developer of the property. He stated he was not actively seeking to purchase additional property. He stated the property owner contacted him to see if he was interested in purchasing the land. He stated his primary objective for buying the land was to protect his existing development. He stated the property was shown for multi-family on the City's land use plan. He stated at some point the property would be developed as multi-family. He stated his company had a substantial investment in the area and his goal was to protect his investment.

Ms. Ruth Bell addressed the Commission in opposition of the request. She questioned the number of units being built on substandard roads. She stated the Commission had heard from residents on South Bowman and on Kanis Road both expressing their

concern with the growing traffic on these streets. She stated there was a concern with placing a large number of apartments within one area. She stated this area appeared to be ripe for apartment development. She requested the Commission to direct staff to review the overall development plan for the area and determine the number of units which could be expected and the carrying capacity of the roads in the area.

Devo Shipley addressed the Commission in opposition of the request. He stated he was elected spokesman for the Woodlands Edge Neighborhood. He stated although the Commission had received a letter of support from the POA Board not all residents were in support of the development. He stated the POA Boards of both Brodie Creek and Woodlands Edge had elected to not inform the residents of the proposed development. He stated there were a number of concerned residents in the area who were very opposed to the request. He stated traffic was a concern. He stated the number of units concentrated in one area would decrease property values. He stated there was a meeting with the residents on Wednesday November 18th. He stated a number of the residents felt this was a done deal and there was no way to oppose the future development of the multi-family units. He stated he understood the land was zoned for single-family and requested the Commission not rezone the property for multi-family.

Mr. Richardson addressed the Commission stating there was a meeting with the neighborhood. He stated he had worked with both the POA's for three (3) months and modified the plan a number of times to address their concerns. He stated he felt the property would develop with multi-family and he was the better developer to develop the property based on his existing investment. He stated other developers would develop the entire project without regard to occupancy rates in the City. He stated there were 40 to 45 residents in attendance at the meeting and there were only two (2) person here today to address the Commission in opposition.

There was a general discussion by the Commission concerning the proposed development and the areas to be set aside for green space. Mr. Richardson stated the floodway would be placed in an open space zoned buffer. He stated all other areas would be set aside for green space as well. Commissioner Bubbus questioned if the open space areas were included in the multi-family portion of the development to reduce the density. Mr. Richardson stated they were included in the multi-family portion of the development and would remain as green space.

There was a general discussion by the Commission concerning multi-family and the overall longevity of multi-family developments. Mr. Richardson stated the difference in his development and others was he had a substantial reserve for maintenance and upkeep of the units. He stated the difference in Reservoir Road and his development was maintenance and design. He stated the construction materials were superior to the older development and the units were well maintained.

Ms. Joy Fugarsky addressed the Commission. She stated there were a number of residents opposed to the development. She stated the residents had not been informed of the development until earlier in the week. She stated the residents could not change plans on such short notice. She stated residents had to work and could not get off and

there were commitments with others that could not be changed. She stated the residents moved to Woodlands Edge because of the quality of the subdivision and the large areas of green space. She stated a number of the residents at the meeting felt the development was already approved and did not feel coming down to address the Commission would change anything.

Mr. Janes Aronson addressed the Commission in opposition. He stated he felt the lack of communication from the Brodie Creek POA Board was the reason there were not a great number of residence in attendance. He stated he understood this was neighborhood politics and not something the Commission could address. He stated traffic in the area was heavy and it was difficult to exit the subdivision during the AM rush. He stated he felt the traffic engineer had under projected the future traffic on the street. He requested Mr. Richardson fund a traffic signal at the Bowman-Brodie Creek intersection.

Mr. Ernie Peters of Peters and Associates addressed the Commission with regard to the traffic study which had been prepared. He stated traffic in the area was currently heavy and would continue to be heavy. He stated with this development the level of service was not impacted significantly. He stated a review was made to determine the need for traffic signals at various street intersections with South Bowman Road. He stated Brodie Creek did meet the AM warrant but did not meet warrants any other time of day.

The Commission questioned the location and the desire for the number of units being built and projected for the area. Mr. Richardson stated the area was convenient to shopping and work. He stated there were a number of medical personnel who lived in his apartments as well as residents who worked downtown. He stated this location was convenient to interstate access. He stated the residents of the area also felt safe. He stated the one bedroom units rented for \$1,000 per month up to \$1,600 for a three bedroom. He stated with the rents being paid most of the residents could afford to make a house payment but chose to rent instead.

A motion was made to approve the request as recommended by staff. The motion carried by a vote of 7 ayes, 4 noes and 0 absent. A motion was made to approve the advanced grading request. The motion carried by a vote of 7 ayes, 4 noes and 0 absent.