

18. **2007SP-186U-09**  
Rolling Mill Hill District Bldg.  
Map 093-11, Part of Parcel 022  
Subarea 9 (2007)  
Council District 6 - Mike Jameson

A request to rezone from CF to SP-R district and final site plan approval for property located at Middleton Street (unnumbered), between Middleton Street and Rolling Mill Hill Road (.48 acres), zoned CF and within the Rutledge Hill Redevelopment District, to permit no maximum height at the property line for the "District Building", requested by Littlejohn Engineering Associates, applicant, for RMH Land Investment LLC, owner.

**STAFF RECOMMENDATION: Approve with conditions.**

**APPLICANT REQUEST - Preliminary SP & SP Final Site Plan**

A request to rezone from Core Frame (CF) to Specific Plan (SP) SP-R district and final site plan approval for property located at Middleton Street (unnumbered), between Middleton Street and Rolling Mill Hill Road (.48 acres), zoned Core Frame (CF) and within the Rutledge Hill Redevelopment District, to permit no maximum height at the property line for the "District Building"

**Existing Zoning**

**CF District** - Core Frame is intended for a wide range of parking and commercial service support uses for the central business District.

**Proposed Zoning**

**SP-R District** - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as "SP."
- The SP District is not subject to the traditional zoning districts' development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP does not relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP does not relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

**DOWNTOWN COMMUNITY PLAN**

**Mixed Use (MxU)** MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

**Downtown Neighborhood (DN)** Downtown Neighborhood policy applies to those parts of Downtown where intense, mixed use development that includes a significant residential component is desired. The development should be created at a scale less intense than the Downtown Core. Downtown Neighborhood policy is only used in the *Downtown Community Plan: 2007 Update* in many of the seventeen Downtown neighborhoods. Each neighborhood has its own unique character and intended development pattern, which are further defined in each neighborhoods' Building Regulating Plan, found in the *Downtown Community Plan: 2007 Update*.

**Rolling Mill Hill Building Regulating Plan** If a project has been approved by Metropolitan Development and Housing Agency (MDHA), then it conforms to Subdistrict 3 of the Building Regulating Plan for Rolling Mill Hill.

**Consistent with Policy?** Yes. The SP is for the height of the building only. The building is part of the larger Rolling Mill Hill plan that has been approved by Metropolitan Development and Housing Agency (MDHA).

#### **PLAN DETAILS**

**Site Plan** - The District Building is part of the Rolling Mill Hill development plan approved by MDHA. The Specific Plan district changes only the height standards of the existing Core Frame zoning. The maximum elevation of the building is 642'-3" which gives a height of approximately 127' from the average ground level. The lowest ground level is at about elevation 511 – so the height from that point is 131.25'. All other bulk standards of the district apply and all other aspects of the plan have been, and will be, reviewed by MDHA.

**PUBLIC WORKS RECOMMENDATION** All previous Department of Public Works' conditions to be met.

**Because this request is part of a larger, already approved plan, and the SP is for design purposes only, traffic counts were not analyzed.**

**STORMWATER RECOMMENDATION** Plans approved.

#### **METRO SCHOOL BOARD REPORT**

**Projected student generation** - Because this building is part of a previously approved plan under CF zoning, the projected student generation is not significantly different from CF and is not applicable.

**STAFF RECOMMENDATION** Staff recommends approval with conditions.

#### **CONDITIONS**

1. All final site plans to be reviewed and approved by MDHA and other reviewing agencies, as required under standard redevelopment district procedures.
2. This SP only deals with height standards. All other aspects of the design will be approved by MDHA.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CF zoning district as of the date of the applicable request or application.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro

Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approval w/conditions, *Consent Agenda (9-0)*

**Resolution No. BL2007-397**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-186U-09 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. All final site plans to be reviewed and approved by MDHA and other reviewing agencies, as required under standard redevelopment district procedures.
2. This SP only deals with height standards. All other aspects of the design will be approved by MDHA.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CF zoning district as of the date of the applicable request or application.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**The proposed residential SP district to allow for additional height is consistent with the Downtown Community Plan's Mixed Use and Downtown Neighborhood policies which are intended for an intense mixture of uses."**