

## 11. 2011SP-009-001

BL2011-891 / LANGSTER

### ONE CITY

Map 092-14, Parcel(s) 039, 077-079, 083-086

Council District 21 (Edith Taylor Langster)

Staff Reviewer: Jason Swaggart

A request to rezone from ORI and IR to SP-MU zoning for properties located at 329, 330, 331, 336, 337, 341 and 351 28th Avenue North, and at 3000 Charlotte Avenue, on the western side of the future 28th Avenue North (20.13 acres), to permit a mixed-use development, requested by Civil Site Design Group PLLC, applicant, Metro Government and Health Care REIT Inc., owners.

### **Staff Recommendation: APPROVE WITH CONDITIONS**

#### **APPLICANT REQUEST - Permit an intense mixed-use office and commercial development.**

**Preliminary SP** A request to rezone from Office/Residential Intensive (ORI) and Industrial Restrictive (IR) to Specific Plan-Mixed Use (SP-MU) zoning for properties located at 329, 330, 331, 336, 337, 341 and 351 28th Avenue North, and at 3000 Charlotte Avenue, on the western side of the future 28th Avenue North (20.13 acres), to permit a mixed-use development.

#### **Existing Zoning**

ORI District - Office/Residential Intensive is intended for high intensity office and/or multi-family residential uses with limited retail opportunities.

IR District - Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

#### **Proposed Zoning**

SP-MU District - Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes office and/or commercial uses.

#### **CRITICAL PLANNING GOALS**

- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices
- Supports Infill Development
- Promotes Compact Building Design

The SP supports several critical planning goals. The placement of buildings and pedestrian entrances along street frontages combined with active uses and sidewalks along adjacent streets will improve the pedestrian environment next to the site. Placement of multiple uses within a single structure of multiple floors promotes compact building design. These complementary land uses will help to support transit along the Charlotte Avenue corridor and 28<sup>th</sup> Avenue. This development of this site includes the reuse and improvement of a site that is currently under-developed.

#### **GREEN HILLS/ MIDTOWN COMMUNITY PLAN**

**Mixed Use (MU)** MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

#### **Special Policy (SPA #1)**

The special policy for this area supports the Mixed-Use land use policy. It recognizes that the area was once a predominately industrial area, but that it should continue to transition into a mixed-use area. It supports existing industrial zoning, but does not support the expansion of any industrial zoning.

#### **Consistent with Policy?**

Yes. The proposed Specific Plan is consistent with the land use policy and special policy for the property. The proposal will permit an intense mixture of uses including office, retail, restaurants as well as residential. The design guidelines will ensure a walkable urban development that meets the design intent of the policies.

## PLAN DETAILS

The approximately 18 acres of land proposed for this SP consists of eight parcels. The properties are located on the south side of Charlotte Avenue, just east of I-440. The properties contain some vacant buildings and a large lumber yard. All the properties are developed and have no streams or environmentally sensitive areas.

The request is for a high intensity urban, mixed-use development intended to provide office space, retail, restaurants, and outdoor recreational areas. The proposed SP consists of a conceptual site diagram illustrating the possible lot layout and a booklet which contains additional zoning parameters. In addition to the conceptual lot layout, the diagram also identifies intended vehicular access points to Charlotte Pike and the proposed extension of 28<sup>th</sup> Avenue. The booklet details the intent of the proposed zoning. It provides general and specific information including a diagram of a conceptual build out, goals, photos and sketches demonstrating the design intent of specific areas within the project, and bulk and architectural standards.

The project consists of eight different areas (not to be confused with the 8 lots shown on the conceptual lot layout) which are referred to as “places” within the document. Each area consists of a specific intent and function and addresses six guiding design principles defined in the document – Urban Fabric, Circulation, Views, Solar Access, Relationships, and Human Factor. The eight different places include:

1. The Market Street: high touch, pedestrian scaled shopping and dining street.
2. The Boulevard: lush, pedestrian friendly streetscape with landscaped median is the collector for everyday traffic.
3. Arrival Court: expressive canopy and sophisticated landscape provide big sense of arrival.
4. The Dining Deck: anchored by healthy eating, local food is the main focus of the teaching and dining experience.
5. The Yard: a relocated heritage tree and interactive water feature anchor this multi-purpose gathering place.
6. The Water Gardens: water quality gardens double as a series of outdoor rooms for great minds to steep.
7. The Climbing Gardens: the terraced gardens link 28<sup>th</sup> avenue to the yards and back to Centennial Park.
8. Charlotte Avenue: urban edge, streetscape and architecture that serves as the public face of the project.

While the plan consists of many conceptual ideas, it also provides specific requirements. Standards include requirements for floor area (FAR), impervious surface ratios (ISR), height, build to zones, parking and uses. The specific standards combined with all the conceptual ideas are intended to ensure that however the site ultimately develops, that it is a sustainable, high density, walkable urban development that fits into and enhances the area which it resides.

**FAR Requirements** The maximum floor area for the project is 5.0. This will permit a development with a maximum build out of approximately 3,040,488 square feet.

**Height Requirements** The minimum building height is two stories, and the maximum height is 12 stories. The maximum height at the build-to line is seven stories (105 feet). Additional stories must be recessed at a minimum of 10 feet from the build-to line.

**Building Build-to Zones** The build-to zones establish the setback along street frontages. Sidewalks, landscaping, bicycle parking and pedestrian facilities such as outdoor dining may also be permitted within the build-to zones. The zones are broken into three different areas:

- 20 feet to 30 feet along Charlotte Avenue.
- 30 feet to 40 feet along 28<sup>th</sup> Avenue.
- 10 feet to 25 feet on internal streets.

**Parking** The SP does not propose alternative parking standards but relies on the standards found in the Metro Zoning Code. The majority of parking will be provided in structured parking; however, on-street parking will also be permitted. Bicycle parking will also be provided.

**Uses** Permitted uses include all uses permitted for the Mixed-Use General (MUG) zoning district as specified in the Metro Zoning Code with the exception of specifically excluded uses including: boarding house, cash advance, auto convenience, pawnshop, and cemetery. The total number of residential units is limited to 300 units.

**Architectural Standards** The SP includes minimal architectural standards that describe the intent of appropriate building design and specify acceptable materials.

**Signage** Signage will be addressed with the first final site plan. Staff is recommending that all signage meet standards for MUG, and that a comprehensive sign plan be submitted with the first final site plan.

**Phasing** As proposed the development of the project will occur in seven phases.

**STORMWATER RECOMMENDATION**

Preliminary SP approved as noted:

1. The stormwater pond discharge system shall connect into a dedicated storm system or a combination system that is in excess of 18".

**PUBLIC WORKS RECOMMENDATION** The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

\*The conditions for the Traffic Impact Study (T.I.S.) will be handed out at the meeting.

Maximum Uses in Existing Zoning District: **ORI**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	4.17	3 F	544,935 SF	4923	845	812

Maximum Uses in Existing Zoning District: **IR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	14.56	0.6 F	380,540 SF	1355	115	122

Maximum Uses in Proposed Zoning District: **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	18.73	5 F	3,040,488 SF	23,192	3645	4648

Traffic changes between maximum: **ORI and IR** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+16,914	+2685	+3714

**METRO SCHOOL BOARD REPORT**

Projected student generation **40** Elementary    **24** Middle    **19** High

**Schools Over/Under Capacity** Students would attend Park Avenue Elementary School, Bass Middle School, or Pearl-Cohn High School. Park Avenue Elementary and Pearl-Cohn High School are identified as under capacity, but Bass Middle School is identified as over capacity. There is capacity for middle school students within the cluster. This information is based upon data from the school board last updated October 2010.

**Fiscal Liability** The fiscal liability of 24 new middle school students is \$564,000 (10 X \$23,500 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

**STAFF RECOMMENDATION** Staff recommends approval with conditions. The proposed project is consistent with the Mixed-Use land use policy and the special policy that apply to the development site.

**CONDITIONS**

1. The following shall be omitted from note two on page 34 of the SP document, "to be eligible for square footage exemption."
2. The following note shall be added the SP document, "Areas designated as "proposed active use conversion zone" shall provide widow display along at least 40% of the first floor façade and evenly distributed along the entire length of the facade. The building area within the zone shall be designed and constructed in a manner that will permit future conversion to active use (liner building space). The design and construction shall permit a space of not less than 30 feet in depth and a minimum of 16 feet in height. Liner building space along Charlotte Avenue shall be exempt from the square footage calculation."
3. Surface parking except on street parking shall not be permitted within a build-to zone or between any roadway and building, and this requirement shall be specified as a note in the SP document.
4. Signage shall meet standards for MUG. A comprehensive sign plan shall be submitted with the first final site plan, and this requirement shall be noted in the SP document.
5. The uses of this SP shall be limited to all uses permitted in MUG expect for those uses specifically excluded by the SP. Residential is limited to a total of 300 units.
6. No garage access shall be permitted along Charlotte Avenue or 28th Avenue. Garage access shall only be provided from internal drives.
7. The stormwater pond discharge system shall connect into a dedicated storm system or a combination system that is in excess of 18".
8. 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 MUI zoning district for residential buildings as of the date of the applicable request or application.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
10. 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.
11. 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.

Approved with conditions including revised conditions 2, 3, 8, and added conditions 9 and 10 of the Public Works Department with the following conditions renumbered accordingly. (7-0-1), Consent Agenda

**Resolution No. RS2011-92**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-009-001 is **APPROVED WITH CONDITIONS including revised conditions 2, 3, 8, and added conditions 9 and 10 of the Public Works Department with the following conditions renumbered accordingly. (7-0-1)**

**Conditions of Approval: - the following are from Jason's revisions**

1. The following shall be omitted from note two on page 34 of the SP document, "to be eligible for square footage exemption."
2. The following note shall be added to the SP document, "Areas designated as "proposed active use conversion zone" shall provide active use and/or window display along at least 40% of the first floor building façade. The building area along this façade within the zone shall be designed and constructed in a manner that will permit future conversion to active use (liner building space) which if converted would maintain a minimum of 40% active use along the facade. The design and construction shall permit for a space of not less than 30 feet in depth and a minimum of 16 feet in height, measured from the first floor to the bottom of the 2<sup>nd</sup> floor above. Liner building space along Charlotte Avenue shall be exempt from the square footage calculation."
3. Surface parking except on street parking shall not be permitted within a build-to zone or between any roadway and building, except for temporary surface parking. Temporary surface parking shall not be located within 50 feet of Charlotte Avenue or 28<sup>th</sup> Avenue. Any temporary parking with more than 10 spaces shall meet the "parking area screening and landscaping requirements" specified in the Metro Zoning Code.
4. Signage shall meet standards for MUG. A comprehensive sign plan shall be submitted with the first final site plan, and this requirement shall be noted in the SP document.
5. The uses of this SP shall be limited to all uses permitted in MUG except for those uses specifically excluded by the SP. Residential is limited to a total of 300 units.
6. No garage access shall be permitted along Charlotte Avenue or 28<sup>th</sup> Avenue. Garage access shall only be provided from internal drives.
7. The stormwater pond discharge system shall connect into a dedicated storm system or a combination system that is in excess of 18".
8. Approved traffic conditions may be modified based on subsequent review and approval of a new Traffic Impact Study by Metro Traffic Engineer and the Planning Commission.
- 9. Phase 1 Traffic Conditions:**
  - a. Road A (Site Access 1) from the 28th Avenue Connector project limits to Road B shall be designed to include two travel lanes in each direction in order to accommodate the traffic that will be generated by the proposed development.
  - b. The eastbound approach of Road A at the intersection of the 28th Avenue Connector will be designed to include three eastbound approach lanes and shall be striped to include at a minimum one left turn lane and one right turn lane with approximately 200 feet of storage and tapers per AASHTO/MUTCD standards. The design and construction of this approach shall be coordinated with the 28th Avenue Connector project.
  - c. At the intersection of Road A, the northbound approach of the 28th Avenue Connector shall be modified to include a left turn lane with approximately 225 feet of storage and tapers per AASHTO/MUTCD standards. The design and construction of this approach shall be coordinated with the 28th Avenue Connector project.
  - d. Road B (Site Access 2) shall be designed at a minimum as a two-lane roadway with one travel lane in each direction.

- e. The northbound approach of Road B shall align with 31st Avenue at the intersection of Charlotte Avenue and shall be designed to include one left turn lane with approximately 100 feet of storage, one through lane, and one right turn lane with approximately 170 feet of storage and tapers per AASHTO/MUTCD standards.
- f. The existing two-way left-turn lane on Charlotte Avenue should be restriped at the intersection of Road B to provide a dedicated westbound left turn lane with approximately 150 feet of storage and 75 feet of open taper.
- g. The traffic signal at the intersection of Charlotte Avenue and Road B/31st Avenue shall be modified to accommodate the new approach of Road B. At a minimum the modification will include protected/permissive left turn signal phasing for all approaches, and a right turn overlap for the northbound approach during the protected westbound left turn phase. Crosswalks with pedestrian signal heads and pushbuttons shall be provided across all legs of the intersection.
- h. The internal intersection of Road B and Road C shall be controlled by stop signs on the Road C approaches. Left turn lanes with at least 60 feet of storage and tapers per AASHTO/MUTCD standards shall be provided on the northbound and southbound approaches of Road B. The eastbound and westbound approaches of Road C should be designed to have a separate left turn and a shared through right turn lane. These left turn lanes should have at least 60 feet of storage and tapers per AASHTO/MUTCD standards.
- i. To minimize conflicts for traffic entering the site on Road B from Charlotte Avenue, remove all southbound angled parking on Road B for a minimum distance of 150ft from the intersection of Road B and Charlotte Avenue.
- j. The intersection of Charlotte Avenue at 28th Avenue is being redesigned, as part of the 28th Avenue Connector project currently being undertaken by Metro. The redesign of the existing traffic signal shall be coordinated with the 28<sup>th</sup> Avenue Connector project to minimize any required reconstruction associated with any anticipated future improvements required at this intersection.
- k. As described in the traffic impact study, "it is anticipated that the proposed development will be a major attractor for commuters with several thousand new jobs and daily visitors to the proposed medical offices and retail/restaurant space". Because of this consideration should be given to adding a bus stop for the #10 Charlotte Route within the project site. With the submittal of Final SP plans, the site shall be evaluated to determine where facilities could be provided to accommodate future transit/bus service.
- l. A cross access easement shall be provided to the adjacent property to the west. The utilization of this easement will be determined by Metro at the time a redevelopment plan is submitted for the adjacent property to the west.

**10. Phase 2/Full Build-out Recommendations:**

- a. Focused traffic impact studies will be required with the submittal of each Phase 2/Full Build-out final SP plan or as determined by the Metro Traffic Engineer. These studies will determine at what point each of the Phase 2 improvements (listed below) are to be constructed and whether additional mitigations are required. The expected improvements include the following:
- b. A northbound right turn lane on the 28th Avenue Connector at the intersection of Charlotte Avenue with approximately 225 feet of storage and tapers per AASHTO/MUTCD standards.
- c. An eastbound right turn lane on Charlotte Avenue at the intersection of the 28th Avenue Connector with approximately 300 feet of storage and tapers per AASHTO/MUTCD standards.
- d. A westbound right turn lane on Charlotte Avenue at the intersection of the 28th Avenue Connector with approximately 200 feet of storage and tapers per AASHTO/MUTCD standards.
- e. A modification of the northbound lanes on the 28th Avenue Connector at Charlotte Avenue to

provide two left turn lanes, a single through lane, and a right turn lane with appropriate signage as required.

- f. A modification to the lanes on the north approach of 28<sup>th</sup> Avenue at Charlotte Avenue to provide a southbound left turn lane, a southbound through lane, a southbound shared through/right turn lane, and a northbound through lane. The southbound left turn lane will have a minimum storage length of 160 feet and tapers per AASHTO/MUTCD standards. The southbound through/right turn lane on 28th Avenue will extend for a distance of at least 330 feet north of the Charlotte Avenue intersection.
  - g. Modification to the traffic signal at the intersection of Charlotte Avenue and 28th Avenue to provide protected-only left turn phasing for the recommended dual left turn lanes on the northbound approach of 28th Avenue. Right turn overlap phasing will be provided for the northbound, eastbound, and westbound approaches.
  - h. An eastbound right turn lane on Charlotte Avenue At the intersection of Road B/31st Avenue with approximately 150 feet of storage and tapers per AASHTO/MUTCD standards.
11. 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 MUI zoning district for residential buildings as of the date of the applicable request or application.
  12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
  13. 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.
  14. 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 project is consistent with the Mixed-Use land use policy and the special policy that apply to the development site.”**