

3b. 2013SP-023-001

19TH & BELCOURT

Map 104-08, Parcel(s) 172-173
Council District 18 (Burkley Allen)
Staff Reviewer: Jason Swaggart

A request to rezone from RM40 to SP-R zoning for properties located at 1708 and 1710 19th Avenue South, at the northeast corner of Belcourt Avenue and 19th Avenue South (0.44 acres), to permit up to 36 residential units, requested by Barge, Waggoner, Sumner & Cannon, Inc., applicant; John Holland, Jared Danford and Mary Smith, owners.

Staff Recommendation: Approve with conditions and disapprove without all conditions if the proposed T4 NE policy is approved. Disapprove if the T4 NE policy is not approved.

APPLICANT REQUEST

Preliminary SP to permit 36 multi-family dwellings.

Preliminary SP

A request to rezone from Multi-Family Residential (RM40) to Specific Plan – Residential (SP-R) zoning for properties located at 1708 and 1710 19th Avenue South, at the northeast corner of Belcourt Avenue and 19th Avenue South (0.44 acres), to permit up to 36 residential units.

Existing Zoning

Multi-Family Residential (RM40) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre. *RM40 would permit a maximum of 18 units.*

Proposed Zoning

Specific Plan-Residential (SP-R) 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 only one residential building type.

DEFERRALS

This request and the associated policy amendment were previously heard at the July 25, 2013, Planning Commission meeting. Staff's recommendation at that time was to approve the policy amendment and to defer indefinitely or disapprove the SP. The Planning Commission deferred the policy amendment and the SP indefinitely. The applicant submitted a revised plan just prior to the July meeting. The revised plan, which is the current plan under review, was not presented at the July meeting because its late submittal did not permit staff adequate time to review.

Staff recommended disapproval of the previous plan because it placed the top floor of the parking structure at street level along 19th Avenue South and Belcourt Avenue. Because the garage was located at street level, only one pedestrian entrance was provided. The only entrance was located at the southwest corner of 19th and Belcourt and was identified as an "amenity area". The plan also included several faux doors along both street frontages, intended to create an illusion of an active street frontage.

The previous plan was not conducive to creating, or in this case sustaining, a walkable neighborhood. The site is located adjacent to Hillsboro Village, a well-recognized and popular mixed use center on Hillsboro Pike. This area is characterized by a high level of pedestrian activity, which is encouraged by existing development that places active uses at street level and parking behind buildings away from the street. The placement of a parking structure at street-level, with one entrance and no active uses, could be disruptive to the character of surrounding development. While the plan attempted to create the illusion of an active street frontage with faux doors, the lack of activity on the first floor (windows and doors on to occupied space or stoops) was not supported by the Community Plan.

After submitting the original SP application, but prior to the SP being heard by the Commission, the applicant filed for a Special Exception (SE) from the Board of Zoning Appeals (BZA) for a shortened street setback and additional building height along 19th Avenue. The BZA approved the SE on June 20, 2013. This BZA approval allows for the construction of essentially the same building shape and massing that is proposed with the previous SP, however, the BZA approval only permits 18 dwelling units. The applicants would prefer 36 units as proposed by the SP. If the proposed SP district is not approved, then the property could develop under the BZA order with 18 units.

The applicant has indicated that they will move forward with the BZA approved site plan if they are not successful in rezoning the property; however, they would prefer to move forward with the SP zone change. The SP provides an opportunity for the Planning staff and Councilmember to reach a compromise proposal that better meets the goal of complementing community character. Again, the current plan is not the plan that was previously brought before the Commission, but is the plan that was presented to staff, just before the July 25, 2013, meeting which staff did not have time to review.

CRITICAL PLANNING GOALS

N/A

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GREEN HILLS – MIDTOWN COMMUNITY PLAN

Current policy

Neighborhood General (NG) policy is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to ensure appropriate design and that the type of development conforms with the intent of the policy.

Proposed policy

T4 Urban Neighborhood Evolving (T4 NE) policy is intended to create and enhance urban neighborhoods that are compatible with the general character of existing urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than existing urban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing.

Consistent with Policy?

The density of the proposed SP is consistent with the proposed T4 NE policy. Also, as discussed in the analysis below, the design does provide for a more activated street frontage than the previous plan that was considered by the Commission in July, 2013.

While staff does not believe that the design is ideal, it is better than the previous plan in how it relates to the street from a pedestrian standpoint. While this plan does not meet all of the objectives of the community plan policy, including fully activating the street, it does meet some of them, including placing density at an appropriate location near a major arterial street and within the Hillsboro Village area. Also, the building design should have less of an impact on the vibrant mixed use center that is Hillsboro Village, due to the sites location further away from Hillsboro Village.

PLAN DETAILS

The current SP proposal includes a five story building with a maximum of 36 units. The first floor of living space is located on the second level of the building. The overall height is approximately 60 feet and 45 feet at the minimum setbacks along 19th and Belcourt Avenues. The top two floors are stepped back at the setback. The plan identifies a common space along the north which will be a court yard.

Structured parking is provided below the living space within the building footprint. The parking area is provided on two levels with one level being subgrade and the upper deck at street level. Parking is provided at one space per bedroom. The plan also permits up to 40 percent of the parking spaces to be sized for compact automobiles. Access to the parking comes from a vehicular entrance from Belcourt along the south side of the building. A six foot sidewalk and three foot planting strip is located along Belcourt and 19th.

Conceptual elevations are included with the SP. Pedestrian entrances are located along 19th and Belcourt. The plan calls for brick or engineered stone along the first three floors and stucco with horizontal definition on the top two stories. Four entrances are located along 19th and one entrance is located along Belcourt. Since the second level of parking is located at street level, the doors into the units are located on the second level, approximately 12 feet above street grade.

ANALYSIS

The current plan is an improvement from the previous plan presented to the Commission. The current plan does not provide an ideal active ground floor, but it does provide entrances to some of the residential units from the street, which is more consistent with the proposed T4 NE policy than the previous design. Since the site is located further from Hillsboro Village, along a dead end street into Magnolia Boulevard the proposed design should have less of an impact to the atmosphere of Hillsboro Village. While staff is recommending approval of this plan, it is important to note that the proposed design would not be appropriate closer to the center of Hillsboro Village or within proximity to an existing mixed use center, an area planned for a mixed use center or residential areas planned to create or sustain a vibrant walkable neighborhood.

STORMWATER RECOMMENDATION

Preliminary SP approved

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.
- ROW dedications along the alley and along 19th must be recorded prior to approval of the Final SP.
- Garage access to be located at appropriate distance from 19th and Alley intersections to allow adequate sight distance and access operation. Any parking access control equipment shall be located a minimum distance to back of sidewalk to allow adequate space for queuing without spilling into the public right of way or impacting sidewalk accessibility.

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Maximum Uses in Existing Zoning District: **RM40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.44	40 D	17 U	227	13	27

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.44	-	36 U	342	22	38

Traffic changes between maximum: **R6** and proposed **MUN-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+19	+115	+9	+11

SCHOOL BOARD REPORT

Projected student generation existing RM40 district: 1 Elementary 0 Middle 0 High

Projected student generation proposed SP district: 2 Elementary 2 Middle 1 High

The proposed SP zoning district could generate 4 more students than what is typically generated under the existing RM40 zoning district. Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School.

Eakin Elementary and West End Middle schools have been identified as over capacity. There is capacity within the cluster for elementary and middle school students. This information is based upon data from the school board last updated September 2012.

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions and disapproved without all staff conditions if the proposed T4 NE policy is approved. If the T4 NE policy is not approved then staff recommends disapproval.

CONDITIONS

- Garage access shall be located at an appropriate distance from 19th Avenue South and the alley intersections to allow adequate sight distance and access operation. Any parking access control equipment shall be located a minimum distance to back of sidewalk to allow adequate space for queuing without spilling into the public right of way or impacting sidewalk accessibility.
- Permitted land uses shall be limited to 36 multi-family units.
- For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM80-A zoning district as of the date of the applicable request or application.
- A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro 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.
- 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.

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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.

Mr. Swaggart presented the staff recommendation of approval with conditions and disapproval without all conditions.

Items 3a and 3b were heard and discussed together.

Councilmember Hunt moved and Mr. Ponder seconded the motion to close the previous Public Hearing. (7-0) A new Public Hearing was opened.

Jay Fulmer, 1420 Sharp Avenue, and Todd Jackovich, 103 Cherokee Road, spoke in favor of the application and noted that they agreed with all staff conditions.

Marty Hansen, 1711 18th Avenue South, spoke in opposition to the application and stated that there is no legitimate basis for this to be above three stories.

Terri Behr, 323 Forest Park, spoke in opposition to the application and expressed concerns regarding storm water runoff and lack of parking.

Harish Prasad, 1817 Wedgewood Avenue, spoke in opposition to the application and noted that the road is not wide enough.

Jay Fulmer clarified that the number of bedrooms is not increasing with the increased density.

Mr. Gee stated that he is glad the community, councilmember, and developer have been able to get together and come to some sort of consensus.

Mr. Ponder expressed agreement with Mr. Gee.

Councilmember Hunt spoke in favor and stated that it seems like most everyone is in agreement.

Ms. LeQuire spoke in favor of the application.

Chairman McLean moved and Mr. Gee seconded the motion to approve with conditions and disapprove without all conditions. (7-0)

Resolution No. RS2013-171

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-023-001 is APPROVED with conditions and disapproved without all conditions." (7-0)

CONDITIONS

- 1. Garage access shall be located at an appropriate distance from 19th Avenue South and the alley intersections to allow adequate sight distance and access operation. Any parking access control equipment shall be located a minimum distance to back of sidewalk to allow adequate space for queuing without spilling into the public right of way or impacting sidewalk accessibility.**
- 2. Permitted land uses shall be limited to 36 multi-family units.**
- 3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM80-A 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 Metro 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.**

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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.

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