

**PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item**

PC Staff Report
02/27/2012

ITEM NO. 5A-5G Z-12- 29, 30, 32, 33, 34, 35, 36 -11 from IG (General Industrial), CS (Commercial Strip) and OS (Open Space) Districts to CD (Downtown Commercial) District; 20.36 total acres including Rights-of-Way (SLD)

ITEM NO. 5A IG & CS TO CD; 1.38 ACRES; 401 & 415 N 2ND ST (SLD)

Z-12-29-11: Consider a request to rezone approximately 1.38 acres from IG (General Industrial) and CS (Commercial Strip) to CD (Downtown Commercial), located at 401 & 415 North 2nd Street. Submitted by Paul Werner Architects, for Exchange Holdings LLC, property owner of record.

ITEM NO. 5B IG TO CD; 2.14 ACRES; 0 & 100 LINCOLN ST AND 151 & 100 PERRY ST (SLD)

Z-12-30-11: Consider a request to rezone approximately 2.14 acres from IG (General Industrial) to CD (Downtown Commercial), located at 0 & 100 Lincoln Street and 151 & 100 Perry Street. Submitted by Paul Werner Architects, for D&D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 5C IG & CS TO CD; .83 ACRES; 409 & 501 N 2ND ST (SLD)

Z-12-32-11: Consider a request to rezone approximately .83 acres from IG (General Industrial) and CS (Commercial Strip) to CD (Downtown Commercial), located at 409 & 501 North 2nd Street. Submitted by Paul Werner Architects, for Jeffrey Hatfield, property owner of record.

ITEM NO. 5D OS & CS TO CD; .34 ACRES; 300, 311, & 317 N 2ND ST (SLD)

Z-12-33-11: Consider a request to rezone approximately .34 acres from OS (Open Space) and CS (Commercial Strip) to CD (Downtown Commercial), located at 300, 311, & 317 North 2nd Street. Submitted by Paul Werner Architects, for Riverfront Properties of Lawrence, LLC, property owner of record.

ITEM NO. 5E IG TO CD; 1.61 ACRES; 139 PERRY ST, 505 N 2ND ST, 141 MAPLE ST (SLD)

Z-12-34-11: Consider a request to rezone approximately 1.61 acres from IG (General Industrial) to CD (Downtown Commercial), located at 139 Perry Street, 505 North 2nd Street & 141 Maple Street. Submitted by Paul Werner Architects, for HDD of Lawrence, LLC, property owner of record.

ITEM NO. 5F IG TO CD; .55 ACRES; 133 PERRY ST (SLD)

Z-12-35-11: Consider a request to rezone approximately .55 acres from IG (General Industrial) to CD (Downtown Commercial), located at 133 Perry Street. Submitted by Paul Werner Architects, for Kaw River Estates, LLC, property owner of record.

ITEM NO. 5G IG TO CD; 1.38 ACRES; 600 N 1ST ST (SLD)

Z-12-36-11: Consider a request to rezone approximately 1.38 acres from IG (General Industrial) to CD (Downtown Commercial), located at 600 North 1st Street, Block 3. Submitted by Paul Werner Architects, for Abfield Investments, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 20.36 acres, from IG (General Industrial), CS (Commercial Strip) and OS (Open Space) Districts to CD (Downtown Commercial) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following conditions:

1. The maximum footprint of an individual store shall not exceed 50,000 gross square feet.
2. Due to the unique characteristics of the Downtown Commercial District (city-provided parking), current Section 20-901 (f) of the Land Development Code exempts uses in the CD district from the requirement to provide off-street parking and off-street loading spaces. One of the characteristics of the subject rezoning is that the city will not provide parking; therefore, the Downtown Commercial District of the subject request shall not have said exemption and shall instead provide parking at the code prescribed ratio for the allowed uses as outlined in the Land Development Code or as adjusted in approved design guidelines.
3. Submission and approval by the City Commission, with a recommendation by the Planning Commission, of design guidelines to address development standards as identified in the staff report.

Reason for Request: *To rezone property to CD.*

KEY POINTS

- This request is for zoning only at this time.
- Approval of the request will establish the basis for more detailed submittal for development of this property.
- Conformance with Horizon 2020, land use and neighborhood plans, historic review, as well as infrastructure and access requirements must be addressed for development of this property.
- This request anticipates the approval of the accompanying comprehensive plan amendment request (CPA-11-08-11).

ASSOCIATED CASES/OTHER ACTION REQUIRED

- CPA-11-08-11; amendment to Chapter 6 Horizon 2020.
- Publication of zoning ordinance.
- Subdivision approval including preliminary and final plats.
- Public improvement plan approval for infrastructure.
- Site plan and/or development plan approval as applicable.
- Local Floodplain Development Permits as applicable.
- Historic review for portions of the property within the district.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning. Preliminary traffic data was submitted including concept development designs. Full report deferred until detailed information known about uses.
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning.
- *Drainage Study* – Not required for rezoning.
- *Retail Market Study* – Refer to CPA-11-08-11 for discussion of retail market study.

ATTACHMENTS

- Commercial district descriptions from *Horizon 2020*

- North Mass Rezoning Exhibit
- Memo from Stock & Associates regarding description of proposed development
- Permanent Levee Easement Document
- Concept Development Figure 1 & 2 from preliminary traffic study documents.
- Design Guideline outline

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Phone call from neighborhood representative stating concern for overall height of buildings that should not be more than 3 stories otherwise expressing support of the proposed request.
- DLI letter supporting request but recommending limitations on the proposed development.

Project Summary:

Proposed request is for a mixed use development seeking to capitalize on the recreational component of the Kansas River. The applicant is requesting CD zoning to accommodate development that is reflective of a similar development pattern with regard to building heights, setback and mixed uses of the downtown area. This request represents only the initial step in redevelopment of the 20 acres. Attachments noted above, except for the Design Guidelines outline, are provided by the applicant as part of the application packet and are included helping define the proposed uses anticipated for this property upon redevelopment.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 states, "re-study of the Comprehensive Downtown Plan should explore the following options to improve Downtown Lawrence:...inclusion of more uses along the river and integration of these developments into downtown (p. 6-14)." In addition this amendment does recognize Horizon 2020's commercial land use goals and policies by striving to ensure that the cities commercial areas are encouraged to grow while at the same time supporting and complementing Downtown.*

Existing Horizon 2020 – Chapter 6 Commercial Land Use:

A key principal stated in *Horizon 2020* regarding the development and maintenance of commercial land use areas is:

- Support downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center with associated residential uses through the careful analysis of the number, sale, and location of mixedUse commercial/retail developments in the community. Downtown Lawrence is the cultural and historical center for the community and shall be actively maintained through implementation of the adopted design guidelines that regulate the architectural and urban design character of this regional center.

The plan also supports polices that:

- Encourage infill development and/or redevelopment of existing commercial areas within an emphasis on Downtown Lawrence and existing commercial gateways. Sensitive to the form of site layout and design considerations shall be given to important architectural or historic elements in the review of development proposals.

These statements address the importance of Downtown to the community and the applicability of infill and redevelopment that is sensitive and appropriate to given circumstances. The development

and application of design guidelines for the subject property can be required to assure community appropriate context of development.

Both the Downtown area and the N. 2nd and N. 3rd Street areas are identified in *Horizon 2020* as existing commercial areas. The N. 2nd and N. 3rd Street areas are classified as existing strip commercial development on page 6-14 of *Horizon 2020*. The plan recognizes the need to “upgrade” these commercial areas to remain viable in the marketplace, (pg. 6-12). The commercial descriptions are attached for reference.

The plan supports the need and use of overlay districts, and development standards for redevelopment based on a redevelopment plan.

Proposed Horizon 2020 – Chapter 6 Commercial Land Use:

CPA-11-8-11 includes new language that supports the proposed area as an extension of the Downtown Area. This report assumes the approval and adoption of the revised language in *Horizon 2020* with regard to this area. The revised Downtown Commercial Center includes the North Mass Development as part of the historic commercial core of Lawrence, but as a secondary activity area along with New Hampshire and Vermont Streets that flank Massachusetts Street today.

Development of the area is expected to include “mixed use, multi-story buildings” as a common building form in this area. The plan recommends that the maximum foot print for an individual store is limited to 50,000 gross square feet within this portion of the district. This limitation is recommended to be included as a condition or rezoning. As conditioned, the proposed zoning is consistent with the anticipated redevelopment of the area and the expected building form.

To assure that the design principals included in the Comprehensive Plan amendment are met, the submission and approval of commercial design guidelines are needed. This issue is discussed in more detail later in this report and is reflected as a condition of approval.

Staff Finding – Proposed rezoning assumes approval of the comprehensive plan amendment. The maximum footprint of an individual store shall not exceed 50,000 gross square feet. Additionally, specific design guidelines must be adopted as part of the redevelopment for the area. The proposed rezoning is consistent with the comprehensive plan with conditions.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Zoning is summarized as if this application were one contiguous parcel of land

Current Zoning and Land Use: IG (General Industrial) District (11.21 acres), CS (Commercial Strip) District (1.23 acres) and OS (Open Space) District (7.92 acres) and FP (Floodplain Management Regulations Overlay District); Existing Development includes Mobile Home Parks, Johnny’s Tavern, KP&L tower, parking lots, residential and storage uses.

Surrounding Zoning and Land Use: **To the West:** OS (Open space) District and FP (Floodplain Management Regulations Overlay District); River Front

Park and Kansas River

To the South:

OS (Open space) District River Front Park and River

To the East: East of Railroad

IG (General Industrial) District east of bridge; City Parking Lot.

GPI (General Public and Institutional) District east side of N. 2nd Street; *Union Pacific Depot* (City Visitor Center).

IG (General Industrial) District and CS (Commercial Strip) east of railroad and FP (Floodplain Management Regulations Overlay District); Mixed commercial and industrial business between railroad and N. 2nd Street.

To the North: North of Lyon Street

OS (Open Space) and IG (General Industrial) District; *Riverfront Park* (Passive Recreation) and Union Pacific Railroad right-of-way.

Staff Finding – The subject property is surrounded by commercial and industrial development along the N. 2nd corridor and confined by the river to the west and the railroad to the east. Zoning is generally uniform for the industrial and open space district boundaries in this area.

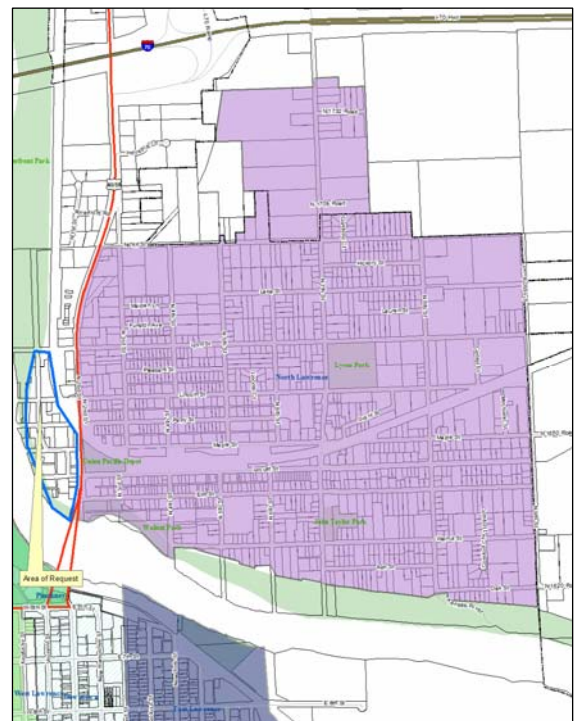
3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The land directly adjacent to the subject site consists of the river to the south and west, the union pacific railroad and North 2nd to the east and the levee and the river to the north. The character of the general area is defined by commercial, industrial, public and private institutional uses such as the boathouse to the west, Downtown to the south, and the Union Pacific Depot to the east. Open space also plays a large role in the characterization of the neighborhood by allowing access and enjoyment of the river. The uses north of the site include an auto body shop and a photography studio.*

This property is part of the North Lawrence area but technically outside of the described neighborhood boundary. This area is characterized by a mix of residential, commercial and industrial uses.

N. 2nd Street and N. 3rd Street are a primary gateway to the community as acknowledged in *Horizon 2020* and depicted in figure 2.4 of *Transportation 2030*.

This neighborhood includes a wide range of uses. Non-residential uses are found along N. 2nd and N. 3rd Streets and along the railroad corridor parallel to Locust Street. Residential uses are located interior to the neighborhood east of N. 2nd and N. 3rd Streets. The subject property is

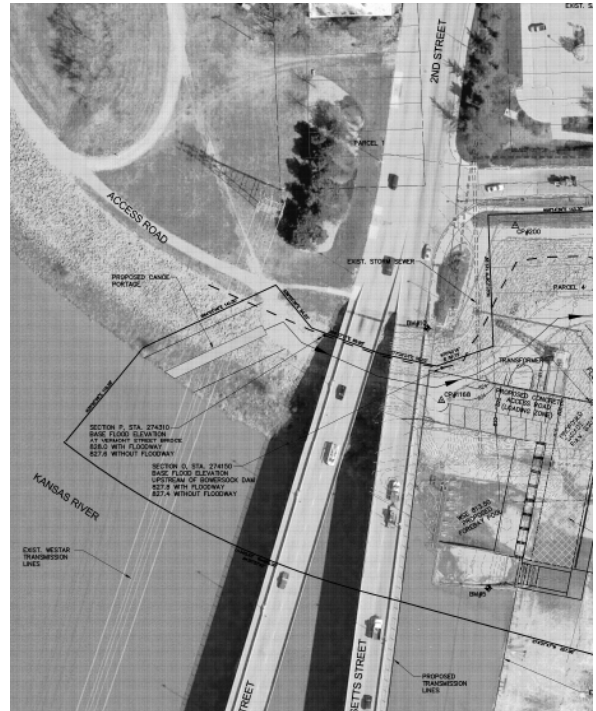


located within the portion of the neighborhood that is commercial and industrial in nature. The subject property includes two small mobile home parks and a few detached residential units.

The neighborhood is bounded by the Kansas River and levee. This area provides recreation uses to the community and includes the Riverfront Park area and multi-use path along the levee. Riverfront Park includes a total of 994 acres along the Kansas River. The park began as a restoration and re-vegetation project according to City web site information. Much of the park is forested up to the river bank. The portion of the park nearest the Vermont Street/Massachusetts Street Bridge narrows with little tree growth within the park area between the river bank and the top of the levee. This area provides direct viewing of the river from the recreation path.

Improvements to the proposed Bowersock Dam including a canoe portage for additional access to the river. This portage would be located at the south end of the proposed redevelopment area.

This neighborhood is also characterized by single story buildings on smaller lots. The proposed change would facilitate an increased building height from 45' in the CS district and 75' in the IG district to 90' in the CD district. Physical elements addressing area height, bulk, and massing have not been fully evaluated for this project. Protecting and preserving the neighborhood character will require attention to these details. Management of future redevelopment of the property through an adopted set of design guidelines is needed to assure neighborhood compatibility.



Staff Finding – The proposed request would allow a range of uses similar to the existing mix with a greater focus on the commercial and residential aspects. This mix of uses would be consistent with the character of the neighborhood in terms of use. Protection of the neighborhood character is not assured through the zoning unless it is accompanied by a detailed set of adopted guidelines.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

A neighborhood plan was completed in 1981 for this area. The plan has not been updated and has not been incorporated into *Horizon 2020*. In 2005 the City of Lawrence completed the North Lawrence Drainage Study. The subject property is located within the boundary of this study. The plan included a "Build-Out Scenario Map." The map was based on adopted land use polices for the projection of land uses and stormwater calculations. A copy of the plan is available on line at: http://www.lawrenceks.org/publicworks/N_Law_Drainage_Study_2005/Ultimate_Buildout_Map_11_1805.pdf. This study included land use assumptions that included the subject property of this zoning request. Land uses within the boundary of the request were identified or projected as commercial and open space uses. The arrangement of these uses is non-specific within the Drainage Study.

Plans for the development are included with this staff report as attachments. The proposed “plan” for redevelopment is a mixed use project including commercial, residential and open space uses. Plans at this point are conceptual in nature. Amendments to the *Horizon 2020* specifically address this area as an extension of Downtown. *Horizon 20220* is the recommended land use plan to be used in assessment of development applications for this property. As stated previously the proposed request is consistent with the land use recommendations included in the comprehensive plan amendment.

Staff Finding – The review of this application assumes the approval of the amendments to the comprehensive plan to extend Downtown to this area. If approved the request is consistent with planned redevelopment of this area.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response: *The subject property is suitable to its restricted use of open space and commercial uses however the site is not very suitable for industrial uses due to the lot being small, narrow and separated by rights-of way. The potential of the site to be used for an extension of Downtown would serve to benefit Lawrence by providing complimentary uses to Downtown, drawing additional users to the area, providing higher tax revenues, creating a tremendous gateway to downtown and the City at large and by providing greater use and better enjoyment of the Kansas River.*

The property is currently zoned IG, CS and OS. The OS district represents the existing Riverfront Park property and other parcels owned by the City, County and Drainage District. A portion of the area zoned OS is included in the proposed development. The applicant has been working with the City to acquire excess land in this area to facilitate the development. The City agreed to the sale with conditions as discussed at the City Commission meeting on October 8, 2008.

Assuming the development is approved and land transactions are completed the OS district would not be suitable. The CS district represents approximately 1.05 acres. A significant portion of this area is dedicated right-of-way. The parcels are generally small and difficult to redevelop in the current configuration. These parcels also represent the existing commercial uses within the boundary of the request. The remaining area is zoned IG. This is an intensive industrial district developed with residential uses in the form of mobile home parks, parking lots and storage uses. The area is generally isolated by the levee and park property on the west and the railroad on the east. Streets in this area are substandard to the City's current design specifications and are not adequate to support intensive industrial activity.

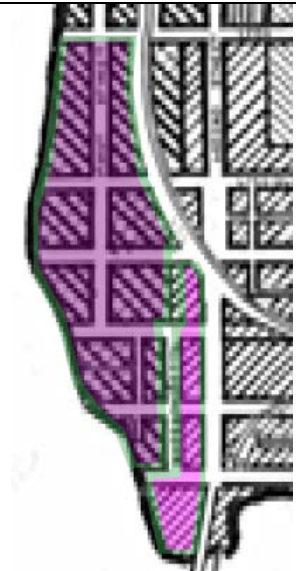
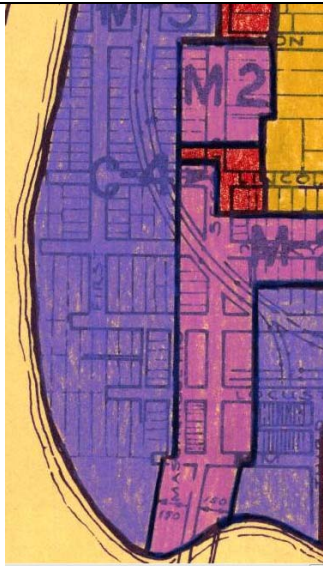
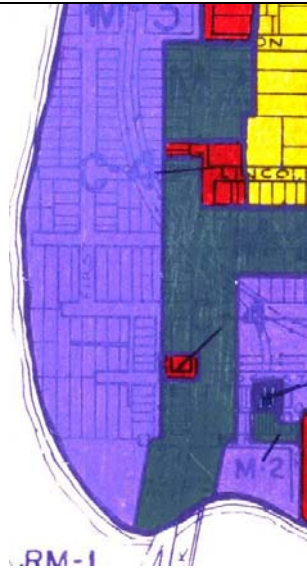

Staff Finding – The current zoning districts do not accurately reflect the existing or proposed uses except for a very few parcels and the park property. Staff concurs with the applicant's statements that the industrial zoning is not suitable for this area. Commercial and open space zoning is appropriate for this area but to be reorganized to facilitate redevelopment of the area.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response: *Part of the subject site such as the OS zoning has remained vacant since the construction of the levy. The industrial zoned ground is vacant in some areas and has been for many years however, other industrial zoned land house rather dated residential use and storage*

buildings. The commercial zoned land has been occupied, Johnny T's and a small trailer park and a couple of single family residences.

The subject area includes both developed parcels and vacant land. The current zoning has been in place since the adoption of the Development Code in 2006. Zoning prior to that included M-2 (General Industrial) District, M-3 (Intensive Industrial) District and C-4 (General Commercial) zoning.

1966	1977	1997	2005
 <p>Heavy Industrial Light Industrial</p>	 <p>Intensive Industrial General Industrial</p>	 <p>Intensive Industrial General Industrial General Commercial</p>	 <p>Intensive Industrial General Industrial General Commercial</p>

Staff Finding – The subject property includes both developed and vacant land. The Zoning districts remained generally consistent between 1966 to current with the infiltration of a small area for commercial uses at Locust Street and N. 2nd Street. This property is unique in its location and physical proximity to the river and railroad. The area has a history of being underutilized. The small lot size and lack of public street improvements within the area are likely contributing factors to this condition. That the area has been underutilized under its current zoning implies that the zoning may not be appropriate for the area.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: *Detrimental effects to surrounding properties are not anticipated and the increased traffic generated by the development has been planned for through appropriate street and signalization improvements. The parking anticipated for the site will be provided on site through parking garages and surface parking and we anticipate that being facilitated by some parking requirements in the development agreement. The proposed development will not detrimentally affect Downtown but will support its existing and planned facilities and services by being in close proximity and by allowing development across the river to draw and attract additional people to downtown.*

The Development area is a contained area given the location of the river and railroad tracks. Immediate properties would not be physically affected by the redevelopment of the site. As part of this request for rezoning a retail market study was required. The retail study was reviewed by staff

and a discussion of the study is included in the staff report for CPA-11-8-11. A significant consideration of the analysis is that the proposed development is intended as a regional attraction by virtue of the river relationship and pedestrian access to the downtown core. The proposed redevelopment is intended to complement the historic downtown area. Recent trends in commercial development are less speculative than in the past with one or more known tenants being identified prior to development. The development is expected to have a “regional draw that results in a more favorable” pull of non-local shoppers to the area thus benefiting the community overall.

Establishment of the base zoning district is key to providing a framework for redevelopment of the site. As noted previously the existing land uses are largely inconsistent with the base zoning districts. Several parcels of land included in the redevelopment boundary are currently owned by the City. This project was discussed by the City Commission in October 2008 (*refer to on line minutes for October 7, 2008*). The City Commission indicated support for selling the land for a redevelopment project but retains the levee and levee rights-of-way and necessary easements to access the levee, stormwater drainage, and public utilities and infrastructure. As development applications are submitted these elements will be rigorously reviewed to assure continued protection of public interests. Applicable development agreements between the City and the developer may be required with the consideration of subdivision and site plan applications.

In addition to the recommended size limitation for commercial building discussed earlier and in order to protect the integrity of the historic core of the downtown area the development of specific design guidelines are necessary. Appropriate phasing of development construction that addresses infrastructure, traffic access and circulation, and occupancy are elements that will protect nearby properties and the community at large. The execution of design guidelines that address these aspects are recommended as a measure to ensure compatibility with existing development in the area and the community.

Staff Finding – As conditioned the proposed zoning will not detrimentally affect surrounding properties.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: *The gain to the public health, safety and welfare would be a higher quality of living and a more visually appealing site than what currently exists. The rezoning would also provide the public with access to the river while dining or enjoying entertainment while at the same time still allowing recreational use of the levy. The hardship placed upon the Owner should the site not be rezoned would be a loss of potential, commercial, residential and offices uses which would not take advantage of the possibilities this piece of land provides to the City of Lawrence with its location o the Kansas River and its close proximity to Downtown.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

At the heart of this request is a plan to reinvest in an area of the community that is underutilized. Redevelopment as proposed would provide economic opportunity in the North Lawrence area that

does not exist today. Redevelopment as proposed provides a large scale opportunity to utilize the Kansas River as an attraction-destination as well as a linkage to downtown. These actions benefit the community with some risk as discussed in the retail market study. The current industrial zoning is not suitable for existing uses and future redevelopment. This area, while part of the industrial inventory, lacks the necessary lot consolidation and highway access to be desirable for an employment related use. With regard to industrial areas within the Union Pacific Railroad Corridor, *Horizon 2020* states:

“...Efforts to discourage non-residential traffic in other parts of the neighborhood are highly encouraged. It is also recommended that consolidation of industrial sites occur whenever possible to remove those residential and incompatible commercial uses located within predominantly industrial development land use patterns in a concentrated effort to minimize those impacts and conflicts between incompatible land uses. When the industrial usage of a particular property cases and is no longer practical, it is recommended those properties be converted to residential and/or neighborhood commercial uses.” (pg 7-4)

This portion of the corridor is not developed with industrial uses in this area.

Denial of the request would hinder the redevelopment efforts for this area by limiting the mix of uses and density associated with the CD district.

Staff Finding – The proposed request for the CD district allows for a mix of commercial and residential uses along with area, bulk and height regulations that can accommodate a variety of development options. Denial of the request would not guarantee a gain to the public health, safety and welfare but would hinder the planned redevelopment for this area. Approval of the request facilitates the redevelopment and allows for reinvestment in the area. Approval of the request with the requirement to develop appropriate design guidelines will protect the public interest and the community.

9. PROFESSIONAL STAFF RECOMMENDATION

When approached by the applicant and their desire to plan for a mixed-use development, staff and applicant discussed various zoning district options to accommodate the development proposal. Comparisons of the MU and CD Districts were discussed. The applicant determined that the CD district provided the most flexibility to develop residential units since the CD district is not limited by code. A brief comparison of the districts follows.

The CD district does not include a maximum density, does not require off-street parking, and is subject to a specific set of design guidelines. The MU district includes a maximum density and off-street parking standards are applicable. Section 20-403 lists the allowed uses by district. Section 20-601 (b) provides a table of the area bulk, setback and height standards for the districts.

- The maximum height allowed in the CD district is 90'
- The maximum height allowed in the MU district is 48'.

The density and dimensional standards also allow development in the CD district with zero lot line setbacks. Height, setback and bulk dimensions require additional refinement that can only be provided within the scope of an adopted set of design standards for the area. Appropriate transitions and incorporation of applicable easements and levee setback standards are implicit in development of the area.

A greater variety of residential uses are allowed in the MU district. The proposed district includes Multi-Dwelling Residential uses as well as Non-Ground Floor Dwelling and Work Live Units similar to the MU District. However the density is based on the property's ability to comply with the building, parking, setback and other dimensional standards.

- There is no density cap in the CD district.
- The MU district has a maximum density of 32 units per acre in a primary district and 15 and 12 dwelling units per acre for the secondary and tertiary districts.
- The 1966 Zoning Code allowed a maximum density of 50 dwelling units per acre in the then C-3, now CD, zoning district.

For this development a percentage of the development should require residential development as a mixed use project. This design standard must be further refine density expectation for this area.

- The current industrial zoning does not allow residential uses which are integral to a mixed use development.
- The CD district does not allow detached, attached or duplex dwellings
- The MU district does allow detached, attached or duplex dwellings as well as zero lot line units, Assisted Living and Congregate Living.
- Both the CD and the MU districts allow Multi-Dwelling Structures, Non-Ground Floor Dwelling, and Work/Live Units.

Non-Residential land uses allowed in the CD district are substantially similar to those allowed in the MU district. Of note, Bars and Lounges are allowed in both districts but require a Special Use Permit in the MU district. Bars and Lounges in the CD district are required to derive from the sales of food for the consumption on the premises not less than 55% of all the gross receipts for a calendar year from sales of food and beverages on such premises. The MU district does not have this requirement.

Gas and fuel sales is not allowed in the CD district but is allowed in the MU district. This application and staff recommendation does not include a restriction on land uses within the proposed district.

Section 20-901 (f) of the Development Code addresses off-street parking and specifically exempts uses in the CD district from the requirement to provide off-street parking. The exemption exists to maintain the urban form of downtown and also because the city provides parking in this district. Development of the scale and intensity planned at the subject site will not function without appropriate off-street parking and the site is too far from downtown to be served by city-provided parking, in staff's opinion. For these reasons, staff recommends that the subject area provide the appropriate parking; however, through the review of the design guidelines, the parking ratios of certain uses and the ability to use on-street parking could be considered. This would be similar to how the 8th and Penn guidelines treated parking.

Special attention to landscaping, transition areas along the periphery of the redevelopment area, access and treatment of the levee and railroad right-of-way are necessary to assure compatibility with the surrounding area and retention of the integrity of the neighborhood and existing historic downtown core.

DESIGN GUIDELINES

As discussed in this report design guidelines are appropriate given the nature of the request and the relationship of this proposed Downtown Commercial District (CD) to the existing area zoned CD to the south. Elements that will complement Downtown include zero setbacks, non-residential ground floors, mixed use, pedestrian scale, sign controls, etc.

Several sets of design guidelines have been adopted by the community including the Community Design Guides for commercial and industrial development, Downtown Design Guidelines, and the 8th & Penn Neighborhood Redevelopment Zone Design Guidelines. These documents provide a framework for review of specific development proposals that have a community consensus of development expectation.

Design review guidelines for this development are intended to address similar elements of development without being a repetition of the historic downtown. An outline of these standards is included as a recommendation of the zoning approval, though adoption of guidelines will require a separate public process through the planning and city commissions with public notice to the surrounding area.

CONCLUSION

This request represents an opportunity to reinvest in an area of the community currently underutilized. With appropriate design guidelines and a balance of restrictions this area can be complementary to the existing downtown and the surrounding neighborhood. Redevelopment of the area is subordinate to the overarching value of the levee and necessary limitations to assure the levee is protected. Recommendations regarding the maximum building size and the submission and approval of design guidelines specific to the area are intended to assure reasonable expectations for development and adequate public infrastructure and parking are provided in a manner complementary to the community.