

PLANNING COMMISSION CASE REPORT**Case Number: 2016-024****PC Meeting Date: 03-14-16****Applicant Request****Rezone from R-4 Special Zone to C-3 Central Business Zone**

Property Location:	1028 & 1042 East 3 rd Street, & 1039, 1043, & 1047 East 4 th Street
Property Owner:	Third Street Partners, & Jimmy & Molly Seals
Applicant:	Belle Investment Company

Project Description

- Proposal: Develop a 2.62 acre site with a mixed-use development. This development proposal includes 220 residential units and ground floor commercial and parking.
- Proposed Access: The proposed site shows access from East 3rd Street, East 4th Street, and Central Avenue.
- Proposed Development Form: Urban 5-story buildings built up to sidewalk.
- Proposed Density: Approximately 84 dwelling units per acre.

Site Analysis**Site Description**

- Location: The 2.62 acre site is located at the southwest corner of East 3rd Street and Central Avenue.
- Current Access: Access from East 3rd Street, East 4th Street, and pedestrian access from Central Avenue.
- Tennessee Department of Transportation Functional Classification: East 3rd Street and Central Avenue are both classified as Urban Minor Arterial.
- Current Development Form: The site is between Erlanger Hospital and the Fort Wood residential neighborhood. Erlanger hospital, directly north of the site, is a 13 story medical tower. Fronting East 3rd Street are one, two, and three story office buildings. South of the site are a mix of one and two story residential buildings, and vacant lots.
- Current Land Uses: West of the site are medical offices. North of the site is Erlanger hospital. South of the site are a mix of residential and office uses.
- Current Density: Average residential density in the area is approximately 8 dwelling units per acres based upon the 6 single-family residential units each on 5500 square foot lots south of the site.

Zoning History

- The site is currently zoned R-4 Special Zone.
- The property to the south, west, and north are zoned R-4 Special Zone. The property to the east is zoned O-1 Office Zone.
- The nearest C-3 Central Business Zone (same as the request) is approximately 1,300 feet to the south on Central Avenue.
- There has been no recent zoning activity on this site.

Plans/Policies/Regulations

- The Downtown Plan (adopted by City Council 2004) recommends fully integrating Erlanger Medical Center into the surrounding neighborhoods by improving pedestrian orientation and providing inviting spaces for patients and nearby residents.
- The requested R-4 Special Zone permits residential uses, bed and breakfast establishments, dormitories, professional and medical offices, banks, and short-term vacation rentals
- The C-3 Central Business Zone permits residential and non-residential uses but with a required urban development form.

Key Findings

- The proposal is supported by the recommendations of the adopted Land Use Plan for the area based upon the compatible nature of uses with Erlanger Medical Center.

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- The proposal is supported by the recommendations of the adopted Land Use Plan for the area based upon the intended increase in residential units in the downtown.
- The proposed use is compatible with surrounding uses based on the mix of residential, commercial, and institutional uses in the area.
- The proposal as shown may be consistent with the development form of the area based on the proposed building not being setback from the road and keeping curb-cuts to a minimum along Central Avenue.
- The proposed residential density is significantly higher than the surrounding densities.
- The proposed structure does raise concerns regarding location, lighting, or height.
- The proposal would not be an extension of an existing zone.
- The proposal would set a precedent for future requests by introducing a new zone to the area and increasing the residential density of the area.

Staff Recommendation

Approve C-3 Central Business Zone with the following conditions:

1. Review.

The following review shall be required to promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures.

- A. For any activity requiring a land disturbing permit, non-residential building permit, or residential building permit for structures with more than 2 units, and excluding all interior renovations:
 - (1) The Applicant is required to schedule a meeting with the Community Design Group during the concept development phase of site design.
 - (2) The Applicant is required to schedule a pre-submittal meeting with the City's Land Development Office.
 - (3) All site layout plans, landscaping plans, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.
- B. For any activity requiring a residential building permit for new construction:
 - (1) The Applicant shall provide illustrations, such as specifications, photographs, or other images, to the Community Design Group for review of the work to be completed.

2. Setbacks.

- A. For new multi-family buildings three (3) stories in height or greater, and for all new non-residential buildings, a zero building setback is required along the street frontage.
 - (1) To accommodate outdoor pedestrian activities including a park, plaza, or outdoor dining, a greater setback is permitted if a street edge delineating the public and private space is provided in accordance with Condition 6.A.
- B. For new single-family detached, duplex, townhome, and multi-family structures less than three (3) stories in height, building setbacks shall be consistent with the existing setbacks on the same side of the street.
- C. For properties fronting the Tennessee River, a public easement a minimum of thirty-five (35) feet in width shall be provided along the river for the continuation of the Riverwalk.

3. Height Requirements.

- A. The minimum height of new nonresidential buildings shall be eighteen (18) feet.

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- B. The maximum height of all new nonresidential buildings and new multi-family buildings shall be six (6) stories.

4. Access to sites and buildings.

- A. New curb cuts shall not be permitted on the primary, or highest order street, that a property fronts, except when there is no alley or secondary street to provide access. The permitting and location of curb cuts on primary streets shall be approved by the City Traffic Engineer based on vehicular and pedestrian safety concerns.
- B. Alleys, where they exist, shall be used as the principal vehicular access.
- C. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.
- D. Shared drives should be used wherever possible.
- E. The primary pedestrian entrance to new buildings shall be provided from the primary street.

5. Off-street parking.

- A. New off-street parking shall not be permitted between a building and the primary street frontage.
- B. For new construction of a primary building, or improvements altering more than 25% of the parcel that is covered in pavement (including gravel, impervious surfaces, and pavers), the following is required:
 - (1) Off-street parking fronting a public street shall be screened from the right-of way with a street edge in accordance with Condition 6.A. Front end in or parallel parking along alleys is exempt from this requirement.
 - (2) Surface parking lots shall be landscaped with a minimum of one (1) Class I shade tree for every five parking spaces. Where conflicts with overhead utility lines exist, Class II shade trees may be used.
- C. Garages for new residential dwellings shall be located behind the primary building.
- D. There are no minimum requirements for the quantity of off-street parking spaces. However, site plans shall indicate the quantity and location of off-street parking provided, along with the following information:
 - (1) Proximity to transit stops
 - (2) Provision of bicycle facilities
 - (3) Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
 - (4) Type of uses and hours of operation
 - (5) Square footage of commercial uses or number of residential units
 - (6) Fire Department access

6. Street Frontage.

- A. Where a street edge is required, it shall be provided as follows:
 - (1) The street edge shall have a minimum height of three (3) feet and a maximum height of four (4) feet above grade and shall consist of:
 - (2) Brick, stucco, or stone walls (concrete block is permitted if faced with said materials); or
 - (3) A decorative metal fence with landscaping a minimum of 3 feet in height at maturity, providing a year-round near opaque screen; or
 - (4) An evergreen hedge, with a minimum height at maturity of 3 feet.

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- (5) Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.
- B. Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new non-residential buildings.
- C. Eighty percent (80%) of the ground level building façade, facing primary streets, shall be designed as leasable space and shall not include parking lots.
 - a. The remainder of the ground floor may be designed to incorporate parking, provided the parking is completely screened from public view.
- D. No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.
- E. All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.