

PLANNING COMMISSION CASE REPORT

Case Number: 2016-127

PC Meeting Date: 09-12-16

Applicant Request

Rezone R-3 Residential Zone to UGC Urban General Commercial Zone with a request for massing deviation.

Property Location:	2431 Williams Street and 2400 block Cowart Street
Property Owner:	Lebanon Investment Corp
Applicant:	Berry Engineers, LLC

Project Description

- Proposal: Develop 0.68-acre site with a 4-story storage facility.
- Proposed Access: Access of Cowart Street.
- Proposed Development Form: A single 17,000 square foot footprint, 4-story building fronting on Cowart Street with parking to the side of building.

Site Analysis

Site Description

- Location: The site is located on the east side of Cowart Street approximately 50' north of the Cowart Street and 25th Street intersection.
- Current Access: Access only available on Cowart Street.
- Current Development form: The site abuts an Interstate 24 onramp to the north. East of the site is a 3-story building surrounded by a parking field. To the west are several 2-story warehouse buildings. South of the site is an undeveloped parcel.
- Current Land Uses: To the east of the site is a multi-story hotel. To the west of the site is a sales warehouse. To the south are vacant lots.

Zoning History

- The site is currently zoned UGC Urban General Commercial Zone and R-3 Residential Zone.
- The site was rezoned from C-2 Convenience Commercial Zone to UGC Urban General Commercial Zone in 2007. (Ordinance #12020).
- The Site is surrounded by parcels zoned UGC Urban General Commercial Zone.

Plans/Policies/Regulations

- The South Broad Redevelopment Plan (adopted by City Council in 2003) recommends Mixed-Use Commercial for this area.
- The Development Policy from the Comprehensive Plan 2030 update (Called the Renewing Our Vision and adopted by Planning Commission in 2016) identifies this site as being in intensity level 5. Level 5 describes the development potential appropriate for high-intensity development based on the highest access to infrastructure. Developing low-intensity developments under-utilize existing infrastructure and create gaps in connectivity.
- The R-3 Residential Zone permits single-family dwellings, two-family dwellings (duplexes), and multi-family dwellings with three or more units. The minimum lot size is calculated by using 7,500 square feet for the first unit plus 2,000 square feet for each additional unit. For example, the minimum lot size for a single-family dwelling is 7,500 square feet. The minimum lot size for a duplex is 9,500 square feet. The minimum lot size for a triplex is 11,500 square feet. The minimum lot size for a quadplex is 13,500 square feet.
- The UGC Urban General Commercial Zone permits residential and non-residential uses but with a required urban development form and no maximum density requirement.

Key Findings

- The proposal is supported by the adopted Land Use Plan for the area which recommends Mixed-Use Commercial uses.

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- The proposed use is consistent with surrounding uses.
- The proposal is consistent with the development form of the area.
- The proposed structure does raise concerns regarding location, lighting, and massing.
- The proposal would be an extension of an existing zone.
- The proposal would not set a precedent for future requests.

Staff Recommendation

Approve Urban General Commercial rezoning with the following condition;

1. There shall be a percentage of openings (doors and windows) on the upper-story primary street façade of no less than 25%.

Approve the deviation request for 17,000 square feet footprint based on the criteria as defined in Section 38-208(4), based on the existence of existing buildings adjacent to the site with similar footprint size.

The deviation request was reviewed based on the following criteria established by the zone (in bold text):

- (a) **The applicant presents an alternative that complies with the stated intent, goals and general standards of the Zone.**

The stated intent of the UGC zone is indicated by Section 38-201 of the UGC zone:

- (1) *It is the intent of the Urban General Commercial Zone to promote traditional urban development with multi-story buildings built close to the sidewalk and a mix of uses within each site and within individual buildings. For instance, residences can be integrated with non-residential development in the form of condos, townhouses, or loft apartments. Such urban places are intended to provide a concentration of goods and services that attract commerce — all within a walkable environment.*
- (2) *The Urban General Commercial Zone is intended for Urban Infill areas as described in the Comprehensive Plan 2030 and in the Urban Overlay Zone (Article III, [Section 38-11](#)). The UGC zone may be appropriate in other locations outside the urban area if the existing development patterns are urban or if a more traditional urban form is recommended in the adopted plan for that area.*
- (3) *As supported in the Comprehensive Plan, the Urban General Commercial Zone is also intended to promote higher density development that supports transit and multimodal transportation including automobile, bicycle, and pedestrian traffic. The intent is to reduce the need for parking as these urban areas are generally serviced by a well-connected street grid and transit system. Pedestrian and bicycle facilities also play an important role in reducing parking needs by reducing the number of vehicular trips. Parking reductions may also be used in conjunction will all shared parking options to further reduce the number of spaced required.*
- (4) *For the purposes of the UGC Urban General Commercial Zone, it is intended that use of existing buildings be considered "redevelopment" and if a conflict occurs with standards for height, setback, and building footprint square footage, proposed*

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redevelopment shall be considered legal, non-conforming when proposed changes meet the urban character intent as stated in (1). For example, strict compliance should not necessitate the demolition of buildings or removal of facades to meet a sidewalk or building height requirement.

- Key Finding: while the proposed single use (storage) is not in keeping with the mixed use intent of the UGC principles, it is not clear that the proposed 17,000 square feet deviation violates these principles.

(b) The deviation from the standard is consistent with adopted plans and principles for the area.

The adopted South Broad Redevelopment Plan recommends 2 story buildings mixed use buildings (mix of residential and commercial) in the “Commercial Mixed Use” policy area noted by the plan. It does not provide any guidance for scale, other than a general principle to promote new infill development that matches historic development patterns. The following is the narrative regarding infill development in the Hotel area.. *“Hotel Area - New development in the area near the existing hotels should feature mixed-use buildings that serve both the neighborhood and visitors to the South Broad area. The freeway nearby could be a nuisance to residential uses, but it can be well suited to offices and retail development. Landscaped streets and sidewalks connecting the residential and commercial areas to the hotels on Williams and Cowart will create a more pedestrian friendly environment and encourage commerce. These businesses should also be easily accessed from the interstate to take advantage of that traffic volume.”*

- Key Finding: While the proposed single use (storage) is not consistent with the mixed use intent of the plan policy, it is not clear that the proposed 17,000 square feet deviation violates the plan policy.

(c) The deviation is compatible with the character of the area where it is proposed, and with the size and location of the buildings in the vicinity.

Adjacent buildings surrounding the site have footprints that range from 9,600 square feet (Hotel at 2431 Williams) to 14,000 square feet (2420 Broad). The proposed building (17,000 square feet) is larger than some of the existing buildings, but not substantially larger.

- Key Finding: Given the location next to the interstate and that most of the proposed building frontage is along Cowart Street which serves as a secondary service access (as opposed to a primary street frontage such as Broad or West 25th Street), the larger scale does not significantly impact the character of the area. While the proposed building is larger than some of the adjacent buildings, the size increase is not significantly large enough to be out of character with these adjacent buildings.

(d) The physical conditions of the property, such as steep slopes, drainage, easements, or small or irregular lot shape make compliance to this specific requirement impossible.

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- Key Finding: The site is mostly flat and the staff is not aware of any other unique site constraints that impact this request.

(e) Communications towers shall be subject to the setback requirements set forth in Article VIII.

- Key Finding: Not applicable, no Communications Tower proposed.