

Memo

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To: Erik Bredfeldt, Planning and Development Services Director
From: Michael Lauer, AICP - Principal
Date: May 25, 2010
Re: Status Report on Mixed Use Activity Center Plan and LDC Amendments

Overview. The Planning Works Team has been coordinating with City planning staff to refine draft plan and LDC amendments that accomplish the following objectives:

- Clarify Comprehensive Plan policies addressing the mix of uses, scale and design within the Mixed Use Low and Mixed Use Medium future land use categories.
- Apply these policies in core, transition and edge areas of the MU-1 and MU-2 zoning districts.
- Develop appropriate standards for large-scale retail projects.

Amendments to the previous public review draft have been prepared pursuant to input from Community Development Committee, staff and the development community. More comprehensive amendment of the LDC is proposed to be accomplished in a longer-term project that is discussed in the Phase 1 report.

The Phase 1 report outlines key deficiencies with the LDC, discusses different approaches to form or design-based regulations, and recommends a strategy to update the LDC and incorporate more predictable and effective design-based regulations that are recommended by the City's Comprehensive Plan.

Draft Comprehensive Plan Policy Amendments. Proposed Comprehensive Plan policy amendments are primarily refinements and clarification of existing plan policies addressing the mixed use low and mixed use medium future land use categories. The most significant plan amendment is to clarify the distinctions between core, transition and edge areas. The previous draft has been amended to eliminate policies about scale that were confusing to the CDC and development community.

Draft LDC Amendments. The proposed amendments to replace existing MU-1 and MU-2 district language, add language addressing large-scale retail development, supplement definitions and allow for large-scale retail development in the CCD, BA, BT, BUS and PD districts. Large-scale retail stores would no longer be allowed within a MU-2 district unless part of a mixed-use development. The existing prohibition of large-scale retail in the MU-1 district will be retained. Specific provisions in the draft LDC amendments include:

1. Mapped activity centers and their designation by character (core, transition or edge). Staff is in the process of refining a draft map.

2. Approval process changes to encourage core area investment and use of urban design standards. Ministerial approval can be granted by staff for developments with fewer than 100 dwellings or 50,000 square feet or less of non-residential space in core and transition area activity centers. Edge area developments with fewer than 15 dwelling units or 25,000 square feet of non-residential floor area also can receive ministerial approval. Authorized deviations from standards and application of edge area standards in transition areas would require DRB or Plan Board approval.
3. Distinct site and building design standards for core and edge area activity centers in the MU-1 and MU-2 zoning districts, which include:
 - a. Establish build-to lines along streets in core and transition areas that are adequate to accommodate sidewalks and streetscaping. Edge area setbacks allow one parking aisle and a narrow landscape strip between buildings and the street.
 - b. Transitional design standards between residential and non-residential uses.
 - c. Streetscaping standards for all areas.
 - d. Use of garden walls to screen loading, mechanical and dumpster areas.
 - e. A parking cap that allows only 80% of required parking unless structured parking is used.
 - f. Pedestrian connectivity standards.
 - g. Connectivity standards that establish maximum block perimeters of 1,600 in core area and 2,000 feet in edge areas. The previous draft has been modified to increase connectivity standards. However, the LDC allows private drives meeting specific standards for curbs, gutters and sidewalks to be used when measuring block perimeters. This change enables the City to require that all stores front on a street or private drive.
 - h. Maximum ground floor areas per project (100,000 square feet) and per business (50,000) square feet in MU-1 districts.
 - i. MU-1 height standards that require a minimum of 25 feet and a maximum of 4 stories in core and transition areas, and set a maximum of 3 stories in edge areas. MU-2 height standards require a minimum of two stories or 30 feet for corner buildings and 25 feet for interior structures. Maximum building height in MU-2 districts is 5 stories, subject to neighborhood setback requirements. Heights of up to 8 stories may be allowed by special use permit in core areas for both the MU-1 and MU-2 districts.
 - j. Building design standards that address entries, building materials, glazing (windows), articulation for long walls, rooflines and parking structure design,
4. Mixed use standards. Mixed uses are encouraged, but not required at the project level in the MU-1 district. In the MU-2 district, a mix of uses or a master plan providing for a mix of residential and non-residential uses are required for any project encompassing 150,000 square feet or more of floor area. Credit for residential development at 6 dwelling units per acre within walking distance (1,200 feet) is still allowed.
5. Standards for large-scale, stand-alone retail projects in the BA, BUS BT or PD zoning districts. These standards include most of the site and building design standards described above, plus requirements for community spaces (e.g., courtyards, landscaped areas and civic uses), maximum separations for entries (250 feet), outdoor storage, trash collection and loading area standards, transit facility requirements, market study requirements and a series of options to minimize the potential from blight that results from abandoned big box stores. This was a primary issue of concern for the CDC and the public speakers at the meeting. Applicant options include any combination of the following that are approved by the City Commission:
 - a. Bonding for re-occupancy or demolition of the building that is not reoccupied by at least 60 percent for any continuous period of more than two years.

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- b. Bonding for maintenance and security of vacant properties.
 - c. Contribution to a district or fund that is dedicated to the redevelopment or revitalization of the area in which the project is located.
 - d. Reuse agreement providing for the right of first refusal for a public use at a mutually agreeable lease rate.
 - e. Prohibition of lease limitations that would block the re-occupancy of the building by any viable use allowed within the applicable zoning district.
 - f. Other strategies accepted by the City Commission.
6. Procedures and criteria for modification of the activity center map showing core, transition and edge areas.