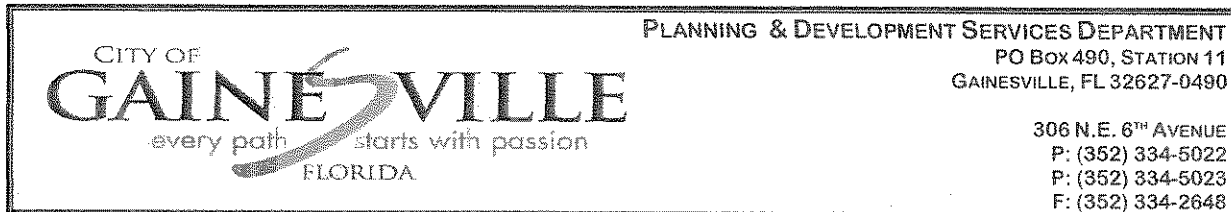


**LEGISLATIVE #**

**110863B**



**TO:** City Plan Board **Item Number: 7**

**FROM:** Planning & Development Services Department **DATE: March 22, 2012**  
 Staff

**SUBJECT:** Petition PB-12-25 TCH, City Plan Board. Amend the Land Development Code Appendix A Section 3, College Park Special Area Plan to clarify the allowable uses within the Type 1 – Shopfront/Office/Apartment Building Type.

### Recommendation

Staff recommends approval of Petition PB-12-25 TCH.

### Discussion

This petition proposes to amend Land Development Code Appendix A, Section 3, Exhibit B College Park Special Area Plan (SAP) by clarifying the permitted uses of properties designated Type I – Shopfront/Office/Apartment (Type I) by the College Park SAP. Type I properties are shown on the College Park Special Area Plan (SAP) “Master Plan & Regulating Plan for New Construction” map (Exhibit A-4). Currently, the permitted uses for these properties are those uses allowed within the Urban Mixed-Use 1 (UMU-1) zoning district. This petition proposes to amend the special area plan text to allow the underlying zoning district, or uses allowed within an adopted Planned Development (PD) ordinance, to determine the allowable uses of Type I properties.

This proposed change is necessary because not all Type I properties have an underlying UMU-1 zoning. Several Type I properties have Mixed-Use 1 (MU-1) zoning and one property has Office (OF) zoning. The lack of clarity in the special area plan resulted from a series of land use, zoning, and text change amendments that date back to 2005. The chronology of how this problem occurred is explained below.

### Background

On November 14, 2005 the City Commission adopted the Urban Mixed-Use 1 and Urban Mixed-Use 2 future land use categories (Ord. 041057) and the Urban Mixed-Use 1 (UMU-1) and Urban Mixed-Use 2 (UMU-2) zoning districts (Ord. 041058). Concurrent with the establishment of these new land use categories and zoning districts, the Commission amended the future land use designation (Ord. 041060) and zoning (Ord. 041061) for approximately 53 properties located within the boundaries of the College Park Special Area Plan (SAP). These properties were changed from the Mixed-Use Low (MUL) land use to the new land use category designation of Urban Mixed-Use 1 and from the Mixed-Use 1 (MU-1) zoning district to the Urban Mixed-Use 1 zoning district. All of the 53 properties rezoned to UMU-1 had been previously designated Type I –

Petition PB-12-25 TCH  
March 22, 2012

Shopfront/Office/ Apartment building type by the College Park SAP.

In January 2006, Staff initiated Petition 170TCH-05 PB to correct inconsistencies between the height restrictions, prohibited uses, and the permitted uses specified by the College Park SAP and those stipulated within the new UMU-1 zoning district. Petition 170TCH-05 PB proposed various text amendments to the College Park SAP. At the ordinance drafting stage, a change in the allowable uses was made for Type I designated properties. Prior to this petition, Type I properties were limited to those uses permitted in the MU-1 zoning district. The ordinance proposed to replace the MU-1 uses for these properties with the uses allowed by the new UMU-1 district in an effort to improve consistency with the zoning changes effected by Ordinance 041061 and the College Park SAP. The proposed changes were adopted by the City Commission on March 27, 2006 by Ordinance 050764. The adopted ordinance failed to recognize that there were Type I properties that did not have the UMU-1 zoning.

As previously stated, all of the 53 properties rezoned to UMU-1 were designated Type I building type by the College Park SAP. However, 21 parcels with Type I designation were not rezoned to UMU-1 by Ordinance 041061 and retained their zoning. Eleven of those Type I properties have PD zoning. The PD ordinance includes a condition stating allowable uses, which supersedes the listed uses within the College Park SAP. As a result, those PD zoned parcels are not in the list of properties impacted by Ordinance 050764. A listing of the 10 impacted parcels, owners, building types, and current zoning districts is included as Exhibit A-1. These property owners were sent notification of this proposed text change. The parcels are depicted on Maps 1, 2, and 3 in Exhibits A-2 through A-4.

The College Park Special Area Plan is applied as an Overlay Zoning District. Within this framework, the text changes in Ordinance 050764 inadvertently changed the permitted uses on these 10 properties from those allowed within their underlying zoning district, to those allowed in the UMU-1 zoning district. This results in a lack of clarity for these 10 properties concerning their zoning and allowed uses. This petition seeks to rectify this oversight by amending the allowable Type I building uses to include those uses permitted by the underlying zoning district or permitted uses specified by an adopted Planned Development (PD) ordinance.

**Recommended Changes: Section 3 Special Area Plan for College Park (Exhibit B - Urban Regulations for New Construction--Type I)**

The recommended changes are shown below in underline and ~~strike-through~~.

**SECTION 3.**

**SPECIAL AREA PLAN FOR COLLEGE PARK**

Urban Regulations For New  
Construction--Type I

*Instructions.* This building type includes shopfronts, offices, apartments or mixed-use buildings with apartments.

Petition PB-12-25 TCH  
March 22, 2012

*Building Placement.*

1. Shopfront and Office buildings 0 feet to 12 feet from the front property line, 0 feet to 10 feet from the side street property line. The City Manager, designee or appropriate board shall set build-to line location to ensure enough room for sidewalks and appropriate street trees on narrow rights-of-way. If the block is only one lot deep, new buildings should be oriented towards the street of greater hierarchy, known as the Primary Frontage Street.

Minimum build-out 80% for primary frontage street;

Minimum 70% build-out for rear street.

*Side Setback.*

1. No side setback is required when next to existing or designated Shopfront buildings, Offices, Townhouses or Civic buildings.
2. A minimum of 8 feet when next to existing or designated Apartments or Houses.

*Encroachments.*

1. Balconies shall be permitted to encroach forward of the build-to line. Balconies shall be a minimum of 9 feet above grade and 18 inches behind the face of the curb.
2. Stoops and open porches shall be permitted to encroach forward of the build-to line, and shall not encroach into the public right-of-way.
3. For encroachment of balconies into the public right-of-way, permission (such as an easement or other appropriate property right) is required from the public entity responsible for right-of-way.

*Parking.*

1. Parking shall occur in the rear of the lot, behind the buildings.
2. Driveways may be shared to reduce the number of curb cuts.
3. On corner lots, driveways should be on side streets, at least 25 feet from any corner. On mid-block lots, driveways may occur on either frontage streets or rear streets.

*Building Use.*

Petition PB-12-25 TCH  
March 22, 2012

1. Allowable uses are those permitted by the ~~UMU-1 zoning district of the Land Development Code (Chapter 30)~~ underlying zoning district or those permitted uses enumerated within an adopted Planned Development (PD) ordinance.
2. New construction or expansion of drive-throughs is prohibited within the Special Area Plan Area. Existing drive-throughs shall be allowed as non-conforming uses, as regulated by Sec. 30-346 of the Land Development Code.

*Building Height.*

1. Heights shall be measured relative to the fronting street elevation.
2. Maximum building height shall be 78 feet, consisting of a minimum of two stories and a maximum of six stories. The first story shall be at least ten feet floor to ceiling height.

*Garden Walls & Fences.*

1. Fences, garden walls and hedges are required along all unbuilt rights-of-way which abut streets and alleys. Fences, garden walls and hedges are not required in front of building walls when walls built closer than 12 feet to the property line.
2. On corners where sight lines are necessary, the maximum height for fences, garden walls, and hedges shall be 30 inches.
3. Heights for other locations shall be:
  - 30 inches min. height for all fences, garden walls & hedges
  - 42 inches max. along public rights-of-way, including alleys
  - 72 inches max. along all other property lines.
4. Decorative wrought iron type fences (black iron or metal) may be allowed up to 8 feet when designed with a base not to exceed 3 feet in height, made out of cement, brick, decorative block or stone. The fence design shall be pickets with a minimum of 3 inches between each picket. Decorative pillar ornaments may extend up to 24 inches above the main fence line.

**Impact on Affordable Housing**

There are no specific impacts to affordable housing from this petition.

Respectfully submitted,



Onelia Lazzari, AICP  
Principal Planner

Prepared by:



Andrew Persons, LEED GA

**List of Exhibits**

- Exhibit A-1    Parcels, owners, and current zoning of Type I impacted properties
- Exhibit A-2    Map 1 – Impacted Type I properties
- Exhibit A-3    Map 2 – Existing zoning of impacted Type I properties
- Exhibit A-4    Map 3 – Existing College Park SAP building type of impacted properties
  
- Exhibit B-1    Application