

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2005-092

Property Owner: Providence Road Land Partners, LLC

Petitioner: Providence Road Land Partners, LLC

Location: Approximately 3.07 acres locate northwest of Hawthorne Land and northeast of East 4th Street

Request: B-2, general business to MUDD-O, mixed-use development district optional

Summary

This proposal is to rezone 3.07 acres to MUDD-O to allow development of a mixed-use development with the contiguous property. The proposed development includes 180,000 square foot of commercial uses and 300 residential units on 3.07 acres.

Conclusion

While this proposal is transit supportive, the lack of a Transportation Impact Study (TIS) and the reluctance to undertake any water quality improvements make this petition unsupportable by the staff.

Existing Zoning and Land Use

The property is surrounded by MUDD, B-2 and O-2 zoning with uses ranging from hospitals and offices to commercial.

Rezoning History in Area

There have been multiple rezonings in the area surrounding the subject property in the past five years. Each of these rezonings has been to the MUDD-O classification.

Public Plans and Policies

Central District Plan (1993): The adopted land use plan for this area indicates that the appropriate future land use is commercial development.

Southeast Transit Corridor Major Investment Study (2002): The site is located within the Southeast Transit Corridor, within a ¼-mile radius of a preliminary station location at Elizabeth Avenue and Independence Blvd. and within a ½ mile of an alternative station location at 7th Street and Independence Blvd. so the *Transit Station Area Principles* component of the GDP (2001) applies. The *Transit Station Area Principles* component of the GDP (2001) emphasize the need to concentrate a mix of complementary, well-integrated land uses within walking distance

of transit stations; promote good walking, bicycling and transit connections; and design the development to complement transit. In most cases, non-residential or mixed-use intensities within ¼ mile of walking distance from a transit station will be a minimum .75 FAR.

Proposed Request Details

The site plan accompanying this petition indicates:

- Component A is planned as follows:
 - Up to 30,000 square feet (sq ft) of commercial uses
 - Up to 300 residential units
 - A portion of the parking structure access to the alley and ancillary service areas
 - Maximum building height is 250 feet
 - Component B could contain:
 - Up to 150,000 square feet of commercial uses
 - A portion of the parking structure access to the alley and ancillary service areas
 - Maximum building height is 120 feet
- Residential units may be exchanged 1:1 for hotel rooms
- Signage significantly larger than allowed by the MUDD district is proposed as an optional provision
- Petitioner reserves the right to seek a variance for a helipad on the roof of the site

Public Infrastructure

Traffic Impact / CDOT Comments. With the array of uses allowed in both the B-2 and MUDD zoning categories, a wide range of trip generation is possible for either the existing or proposed zoning scenarios. The site as proposed may generate up to 12,300 trips per day. This rezoning will have a major impact on the surrounding thoroughfare system.

CDOT's support of a previous rezoning of another property in the Elizabeth Village by the petitioner was conditioned on a Traffic Improvement Study being submitted by the petitioner to CDOT prior to the submittal of additional zoning petitions. That TIS has not been submitted and CDOT cannot support this petition until a TIS has been reviewed and transportation impacts fully evaluated. See attached memo for additional comments.

CATS. CATS' request for a waiting pad consistent with CATS development standards 60.01A on E. 4th St. and maintaining the bus stop (pad and bench) on Elizabeth Ave. has been satisfied.

Storm Water. The petitioner has not agreed to do water quality improvements as requested by Storm Water Services. See attached memo for detailed requests.

Outstanding Issues

Land Use. This proposal is to rezone 3.07 acres to MUDD-O to allow development of a mixed-use development with the contiguous property. The proposed development includes 180,000 square feet of commercial uses and 300 residential units on 3.07 acres. This exceeds the minimum FAR for mixed use and the minimum density of 15 dwelling units per acre recommended for transit supportive residential development. However, the site plan should include more details to ensure that the development is appropriately scaled to be transit supportive (i.e., not a big box).

Site plan. The following site plan issues are outstanding:

- The Development Standards limit maximum building height to 250 feet but the elevations describe an “average elevation of 260 feet”. This discrepancy needs to be resolved.
- The lack of a TIS to evaluate how to deal with an increase of up to 12,300 trips per day on the surrounding road network renders the whole site plan “preliminary” since significant changes may be needed to deal with the traffic.
- The site plan needs to incorporate water quality improvements per Storm Water Services request. Approval of this rezoning without these commitments essentially “grandfathers” the water pollution from this site for the foreseeable future.
- The requested optional provisions regarding wall signs needs clarification. Does the request allow all signs for retail tenants over 12,000 square feet to be 250 square feet in size? Or does it limit the total amount of signs for a tenant over 12,000 square feet to 250 square feet of signage?
- An example of the proposed 100 square foot directional signage should be provided.
- Staff cannot support a conversion of all residential units to hotel rooms. A limit on the number of rooms that can be converted is needed.
- The proposed parking deck elevations along 4th Street do not meet MUDD standards for a street wall.