

## Legislation Text

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**File #:** ORD 17-022, **Version:** 2

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Public Hearing and Action on Ordinance 17-022, an Ordinance rezoning Lot 3; W 50' of Lot 2, excluding the S 66' of the W 50' thereof; E 45' of Lot 2, excluding the S 66' of the E 45'; N 100' of Lot 1; S 50' of the N 150' of Lot 1; S 60' of Lot 1, S 66' of Lot 2, N 15' of the E 100' of Lot 8; S 150' of the E 100' of Lot 8; N 10' of the W 50' of Lot 8; and the N 10' of Lot 7, except the N 10' of the W 25' thereof; all in Block 3 of Hill Park Addition, also known as 1112, 1114, 1118 and 1124 6<sup>th</sup> Street; 517 and 521 12<sup>th</sup> Avenue; and 1125, 1119, 1115 5<sup>th</sup> Street, (Lofts at Park Hill).

### **Summary:**

The applicant is seeking to rezone a parcel of land to a Planned Development District (PDD) with an underlying B-2 District for a mixed-use development along 6<sup>th</sup> Street. As part of the PDD rezoning request, an Initial Development Plan is also required. The Initial Development Plan will be acted on by the City Council at the time of public hearing for the rezoning request.

### **Background:**

The property is currently zoned Residence R-2 Two-Family District and there are seven (7) residential homes occupying the area. The applicant is proposing to re-develop the property into a 52,185 square foot mixed use center. The 48-foot high building will be four (4) stories and includes predominately commercial space on the first floor with efficiency and one (1) bedroom residential units on the second, third, and fourth floors.

The proposed building contains 4,800 square feet of commercial space, 71 apartments, and a drive-thru that will exit to 12<sup>th</sup> Avenue. The development will have an access point off 6<sup>th</sup> Street, 12<sup>th</sup> Avenue, and 5<sup>th</sup> Street. The drive-thru exit to 12<sup>th</sup> Avenue meets the off-set requirements.

The applicant is proposing 131 parking spaces, with 18 located below grade. The proposed parking and drive aisle dimensions meet City requirements. The site will accommodate drainage via an underground system. The building will be located 20-feet from the north property line along 6<sup>th</sup> Street and 21-feet from the east property line along 12<sup>th</sup> Avenue. The applicant is proposing sections of a 6-foot high privacy fence and landscaping to provide a buffer to the residential land to the south. The design is intended to create a streetscape along 6<sup>th</sup> Street by locating the parking behind the building, incorporating landscaping features along the foundation, and the utilization of canopies over the commercial spaces.

The PDD District is intended to provide flexibility from the traditional zoning requirements. The applicant is requesting the following:

- building height of 48', whereas the B-2 District limits the height to 45';
- flexibility to locate the building 20' and 21' from the front property lines and the B-2 requires 25'; and
- flexibility from the 40' landscaped area requirement abutting residential land to allow for parking in the buffer area.

The Planning Commission recommended denial of the Initial Development Plan on July 11, 2017. Since, the applicant has redesigned the project to alleviate some of the concerns by:

- increasing the setback distance to 20' from 13' along 6<sup>th</sup> Street;
- including additional land area into the project;
- adding significantly more landscaping along 6<sup>th</sup> Street and around the perimeter of the project; and
- adding parking spaces to meet the City requirements.

### **PDD Criteria & Findings of Fact:**

The PDD is intended to provide flexibility for creative, efficient, and well-planned urban development that allows for a mix of compatible uses. The PDD criteria, qualifying project elements, and findings of fact are as follows:

#### **1. Encourage well-planned, efficient urban development.**

The project is well-planned due to the increased density, location along 6<sup>th</sup> Street, use of existing streets and infrastructure, and creation of an urban streetscape. The development will provide significantly more dwelling units than the existing homes, and offer commercial space on a major commercial corridor.

#### **2. Allow a planned and coordinated mix of land uses, which are compatible and harmonious, but were previously discouraged by conventional zoning practices.**

The B-2 District allows for mixed use development, but the PDD is necessary to accommodate the project design and density. The proposed uses include those listed in the B-2 District and are considered to be compatible as shown in other mixed use projects. The traditional requirements for setbacks and buffer/landscaped area rules, parking, and building height would hinder the design elements of the proposed project. The applicant is proposing landscaping and a privacy fence to mitigate impacts to the adjoining residential properties to the south.

#### **3. Encourage more creative, higher quality and more ecologically sensitive urban design with special consideration given to projects, which incorporate desirable design features such as underground parking, orientation, or design to take advantage of passive solar energy, environmental preservation, historic preservation, handicapped accessible structures, unique use of open space, or other desirable design features.**

The proposed project incorporates several unique design features, including: the use of underground parking, building orientation along 6<sup>th</sup> Street, bike racks for residents and shoppers, and the use of an underground detention system. The building will also have an elevator and include handicapped accessible units. The development will include amenities such as an outdoor seating area, fitness center, rooftop patio, and some apartment balconies.

#### **4. Improve communication and cooperation among the city's land developers and interested residents in the urbanization of new lands and the renewal of existing deteriorated areas.**

The general area is a mix of residential and businesses located within a major commercial corridor. The existing homes were constructed close to the early 1900's and the structures are in various conditions. While the existing development is not considered blighted, the proposed development will offer the opportunity to redevelop an area with aging housing stock. The proposed development is urban in nature, will use existing infrastructure, and promote land use efficiency with the increased density of the area. The City encourages re-development to encompass close to one-half of the

existing block, which this project proposes to do.

The PDD District is an independent district overlay, which is project specific, thus requiring both an Initial Development Plan and a Final Development Plan. The Final Development Plan needs to be approved by the Planning Commission, prior to issuing a building permit. The Planning Commission and City Council may require additional project design elements or stipulate more specific permitted use than those listed in the B-2 District.

**City Engineer's Comments:**

For informational purposes, a Drainage Plan will be required before a building permit will be issued. The preliminary drawings indicate the site will include underground detention.

**Planning Commission Recommendation:**

The Planning Commission voted 6-1 to recommend approval of the rezoning request.

**Attachments:**

Ordinance  
Notice  
Planning Commission Minutes 9/5/2017  
Initial Development Plan  
Rendering  
B-2 Uses  
Rezoning Map  
Area Map  
City Council Public Comment - Bennis  
City Council Public Comment - Larsen  
Planning Commission Public Comment - Larsen