

**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT**

**ZOTA 2015-4: AMENDMENT TO ARTICLE 28-6(c): ALTERNATIVE BUILDING FEATURES  
IN THE MIXED-USE (MU) ZONES**

REQUESTED BY: Bayer Properties, LLC

PROPOSED TEXT: (Text underlined indicates an addition to the existing Zoning Ordinance; text ~~dashed through~~ indicates a deletion.)

**ARTICLE 28: MIXED USE ZONING CATEGORIES**

**28-6 PROVISIONS APPLICABLE TO ALL MIXED-USE ZONES** - shall be as follows:

**28-6(a) DEVELOPMENT PLAN REQUIRED** - All applications for a zone map amendment shall require the accompanying submission of a preliminary development plan. No development or occupancy of any existing structure for mixed use shall occur until a final development plan has been approved and certified. In addition to all requirements for development plans contained in Article 21, the Planning Commission shall consider the following plan features in its review. Approval of a development plan for any mixed-use zone shall require a finding that the development plan complies with the provisions of Sections 28-6(b) through (g) below.

**28-6(b) PEDESTRIAN ACCOMMODATION** - shall be as follows:

- (1) At least one primary street level entrance to a building that faces any public street shall be oriented toward the public street.
- (2) For at least one location adjoining the street, a pedestrian entryway, including landscaping elements, has been provided to the site.
- (3) Where two or more buildings are proposed, they shall be arranged in a manner that provides an open space area, such as a plaza, courtyard or similar feature.
- (4) Convenient and well-defined pedestrian access has been provided to the site, any abutting public transit stops, adjoining neighborhoods, between multiple buildings, open space areas and parking areas.
- (5) A 6-foot minimum unobstructed pedestrian walkway shall be provided to accommodate landscaping, street trees, street furniture, sidewalk cafes or other obstacles. Additional sidewalk width shall also be provided where high pedestrian traffic is anticipated.
- (6) For any development within the Downtown Streetscape Master Plan area, the development shall adhere to the provisions of that plan.

**28-6(c) BUILDING FEATURES** - shall be as follows:

- (1) For every primary wall plane,~~a:~~
  - a. A change of at least five (5) feet in depth and eight (8) feet in length shall be made for every 80 feet of length or fraction thereof, or,
  - b. Implementation of a minimum of two of the following for every sixty (60) feet of length or fraction thereof:
    1. A change of at least eight (8) inches in depth;
    2. A change in wall height of at least sixteen (16) inches;
    3. A change in exterior material type, style, color, finish or orientation;

4. A minimum of twenty (20) percent of the ground floor building face shall be transparent glass, including windows and doors.
- (2) For every side or rear wall plane,
  - a. A change of at least eight (8) feet in length and five (5) feet in depth shall be made for every 100 feet in length, or,
  - b. Implementation of a minimum of two of the following for every eighty (80) feet of length or fraction thereof:
    1. A change of at least eight (8) inches in depth;
    2. A change in wall height of at least sixteen (16) inches;
    3. A change in exterior material type, style, color, finish or orientation;
    4. A minimum of twenty (20) percent of the ground floor building face shall be transparent glass, including windows and doors.
- (3) The primary wall plane shall provide at least one of the following features at ground level:
  - a. A balcony at least 4' x 5'.
  - b. A bay window with at least a one-foot offset, containing a minimum of twenty (20) square feet.
  - c. A covered entrance at least 3' x 3'.
  - d. A porch at least 4' x 6', with a floor at least twelve (12) inches above grade.
  - e. A recessed entrance at least 3' x 5'.
- (4) At least ten percent (10%) of any building face shall be transparent glass, including windows and doors.

#### **STAFF REVIEW:**

Bayer Properties, LLC has filed a text amendment to modify the requirements of Article 28-6 related to required building features, which applies to all of the mixed-use (MU) zones. The applicant's proposal would provide a second option for treatment along primary, side and rear wall planes of buildings within these zones, in keeping with the intent to promote quality mixed-use development.

Article 28 of the Zoning Ordinance was adopted in late 2002 in order to implement the "mixed use" land use concept(s), as contained in the 2001 Comprehensive Plan. When adopted, Article 28 of the Zoning Ordinance created the three Mixed Use zoning categories (MU-1, MU-2 and MU-3), and included a section with more detailed regulations applicable to all three zones about pedestrian accommodations, building features, location of off-street parking, accessory structures, parking for bicycles, site lighting, and the utilization of on-street parking.

The subject of this proposed text amendment is the section related to building features. Building features are the elements that give a structure its character, such as windows; building materials; bump-outs, projections or columns; front porches and covered entrances. The existing regulations governing building features were proposed by the *Residential Infill and Redevelopment Design Standards*, a study adopted by the Planning Commission in 2001 (page 48). Although several text amendments have been adopted to modify portions of Article 28, this is the first such amendment to propose changes to the building features section.

Currently, the Zoning Ordinance requires a change in depth along both the primary and secondary (side and rear) wall planes of at least 5 feet in depth and 8 feet in length, at an interval of either 80 feet (primary wall plane) or 100 feet (secondary wall plane). This requirement stipulates a minimal amount of façade articulation to prevent long, blank walls and to facilitate designing a place of interest, more recently called "placemaking." The current Ordinance also requires one of four features be provided along the primary wall plane to enhance the building's entrance and/or front facade: (1) a balcony; (2) a bay window; (3) a covered entrance; or (4) a porch (all with more specific dimensional requirements).

The applicant's proposed text amendment would provide a second design option in terms of building features along the primary and secondary wall planes, as well as a fifth option to enhance the building's entrance and/or front façade. The proposed second option for treatment of the primary and secondary wall planes requires that the applicant select two of the four less restrictive menu options in lieu of the existing requirement. The four options from which to select are: (1) a change of at least eight (8) inches in depth; (2) a change in wall height of at least sixteen (16) inches; (3) a change in exterior material type, style, color, finish or orientation; or (4) a minimum of twenty (20) percent of the ground floor building face shall be transparent glass, including windows and doors. The fifth option for the entrance treatment is to permit a recessed entrance.

The applicant proposes these alternative options in order to provide some flexibility in addressing the intent of the regulations. The applicant also notes that their proposed amendment maintains the existing option for façade articulation. One of the applicant's main concerns, as expressed in their accompanying justification for this text change, is that a 5-foot building projection will negatively impact the pedestrian experience and will create "blind spots" that are detrimental to retail, adding security concerns. The applicant also opines that the proposed text amendment can more easily be utilized for a variety of building types, and provides for a more efficient use of land in a dense, mixed-use development.

The staff generally agrees that additional options or alternatives will provide more design flexibility for architects within the overall framework of a mixed-use project. However, the façade projection and height change dimensions are of major concern to the staff. If a designer selects option B, then they can create a less dynamic façade in that the fenestration would have a rather flat appearance. The existing language provides a significant change in the wall planes, whereas an 8-inch depth change or 16-inch height change may not even be discernable to the average citizen from the street level.

The staff proposes an alternative text that would increase both of these numbers – the projection dimension to a minimum of one foot and the change of wall height to at least two feet. These dimensions are more substantial and should not impact the use of the adjacent sidewalk. They will also be easier to review for regulators reviewing building plans or elevations. In addition, the list of possible changes to the exterior material type should not include "color" or "orientation" as options. While grouping a change of color or material orientation together with a new material or finish would be effective, color or orientation change alone does not, in the staff's opinion, create enough of an articulation in the building façade to break up the significant wall planes as intended. Lastly, the staff is of the opinion that three of the four options should be adhered to, not just two, considering the possible loss of change in depth of 4 feet in distance. For these reasons, the staff recommends that the Planning Commission consider modifications to the applicant's proposal that are more in keeping with the original intent of the articulation regulations spelled out in the *Residential Infill and Redevelopment Design Standards*.

**STAFF ALTERNATIVE TEXT:**

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**28-6(b) PEDESTRIAN ACCOMMODATION** - shall be as follows:

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- (4) Convenient and well-defined pedestrian access has been provided to the site, any abutting public transit stops, adjoining neighborhoods, between multiple buildings, open space areas and parking areas.
- (5) A 6-foot minimum unobstructed pedestrian walkway shall be provided to accommodate landscaping, street trees, street furniture, sidewalk cafes or other obstacles. Additional sidewalk width shall also be provided where high pedestrian traffic is anticipated.
- (6) For any development within the Downtown Streetscape Master Plan area, the development shall adhere to the provisions of that plan.

**28-6(c) BUILDING FEATURES** - shall be as follows:

- (1) For every primary wall plane,~~a:~~
  - a. A change of at least five (5) feet in depth and eight (8) feet in length shall be made for every 80 feet of length or fraction thereof, or,
  - b. Implementation of a minimum of ~~two~~ **three** of the following for every sixty (60) feet of length or fraction thereof:
    1. A change of at least ~~eight (8) inches~~ **one (1) foot** in depth;
    2. A change in wall height of at least ~~sixteen (16) inches~~ **two (2) feet**;
    3. A change in exterior material type, style, ~~or color,~~ finish ~~or orientation~~;
    4. A minimum of twenty percent (20%) of the ground floor building face shall be transparent glass, including windows and doors.
- (2) For every side or rear wall plane,~~a:~~
  - a. A change of at least eight (8) feet in length and five (5) feet in depth shall be made for every 100 feet in length, or,
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  - a. A balcony at least 4' x 5'.
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  - c. A covered entrance at least 3' x 3'.
  - d. A porch at least 4' x 6', with a floor at least twelve (12) inches above grade.
  - e. A recessed entrance at least 3' x 5'.
- (4) At least ten percent (10%) of any building face shall be transparent glass, including windows and doors.

The Staff Recommends: **Approval of the Staff Alternative text**, for the following reasons:

1. The proposed text amendment to Article 28-6 will provide more flexibility to meet the building feature articulation regulations, a requirement in the design of mixed-use developments. The existing language provides for 5-foot by 8-foot building bump-out or projections to create visual interest and prevent long, blank exterior walls. The proposed amendment maintains this option, but also allows for more creative solutions that visually meet the same objective.

2. These proposed changes to the Zoning Ordinance will minimize the encroachment into the pedestrian space within a mixed-use development, by reducing the minimum projection from five feet to one foot. This will significantly reduce the possibility of “blind spots” that can be detrimental to retail and could unintentionally create some security concerns.
3. The staff alternative text will slightly alter the petitioner’s proposal in a manner that will be more consistent with the original *Infill and Redevelopment Design Standards* that prompted this section of the Zoning Ordinance.

TLW/BJR/WLS

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