
ORDINANCE NO. O-2021-23

ITEM NO. 5

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Wishnuck Investments, LLC
REQUESTED ACTION	Rezoning to CCPUD, Center City Planned Unit Development
EXISTING ZONING	Center City Form-Based Code, with Urban Storefront Frontage designated the entire width of the property along Main Street and approximately 100' of the length of the property along Webster Avenue. The remaining 40' of length on Webster Avenue is designated Urban General Frontage.
SURROUNDING ZONING	North: CCFBC, Urban General East: CCPUD, (Dr. Bird) South: CCFBC, Urban Storefront West: CCFBC, Urban Storefront
LOCATION	231 W. Main Street
SIZE	0.16 acres, more or less
PURPOSE	Possible Mixed Use
EXISTING LAND USE	The existing building on the property is vacant. The remainder of the property previously contained dilapidated structures associated with a former lumberyard, which were demolished in 2019.
SURROUNDING LAND USE	North: Commercial/Office East: Commercial/Office South: Commercial West: Commercial
LAND USE PLAN DESIGNATION	Commercial

SYNOPSIS: The applicant is requesting to rezone this property from Center City Form Based Code, Urban Storefront and Urban General Frontages to Center City Planned Unit Development (CCPUD) to allow for the redevelopment of this property for commercial, retail, civic, professional uses and potentially residential uses, i.e., mixed uses. The proposal is to allow for any of the requested uses on all floors, with residential uses limited to upper stories. A CCPUD is required for this redevelopment to vary the existing requirements of the CCFBC adopted for this area. In addition, the applicant would like to retain the existing red brick structure on the site.

To meet the redevelopment goal, the applicant is requesting the following variances to the CCFBC:

- 1) Additional 3'3" setback from Required Build Line (RBL) on Webster Ave.
- 2) Reduction of the build to line from 100% to 80% on Main St.
- 3) Exemption from the street wall requirement for the gap along the required build to line on both Main Street and Webster Ave.
- 4) Exemption from the required 2 story minimum
- 5) Elimination of RETAIL – STOREFRONT requirement on the ground floor
- 6) Exemption of the requirement that 2nd floor retail and restaurant spaces be extension of a ground floor use
- 7) Allowance of office use on first floor within the first 20' of the RBL
- 8) Exemption from landscaping requirements of the CCFBC
- 9) Exemption from the 15% Open Space requirement
- 10) Exemption from Section 403, 1. Building Height
- 11) Allowance for a 300 square foot roof top sign
- 12) Allowance for a 300 square foot wall sign

CCPUD BACKGROUND: During the review of the Center City Form Based Code, the question was asked, what to do with applications that need or want an option to vary from the regulations within the CCFBC? It was determined an option for a Center City Planned Unit Development, within the Center City Form-Based Code, be established in Appendix B, Section 520. Appendix B was included to provide an alternative zoning district for the Center City Area as defined in the Center City Form Based Code (CCFBC). This process of requesting a CCPUD gives Planning Commission and City Council the opportunity to review the proposal within the Center City Area.

Appendix B

Sec. 520 Center City Planned Unit Development

A. *Statement of Purpose:* *It is the intent of this section to provide an alternative zoning district for the Center City Area as defined in the Center City Form Based Code (CCFBC). This Center City Planned Unit Development District (CCPUD) is specifically catering to the Center City Area because of the size of lots, the lack of vacant land and other distinguishing characteristics in this area that make the use of the existing PUD regulations not feasible. The CCPUD encourages developments that create the character of development envisioned in the CCFBC.*

Specifically, the purposes of this section are to:

1. Provide an alternative zoning district to the CCFBC where a property owner proposes a development that does not meet the strict regulations required in the CCFBC.
2. Provide open space/street space that is compatible with the concepts of the CCFBC.
3. Provide comprehensive and innovative planning and design for a development which is consistent and compatible with surrounding developments.
4. Provide more efficient and economic use of land resulting in an urban/pedestrian environment.
5. Provide complete and useful information which will enable the Planning Commission and City Council to make more informed decisions on land use.
6. Encourage developments that achieve community goals, such as, but not limited to, aging in place, or affordable housing, or other emerging trends in housing, that may not be able to meet all the required elements of the Center City Form Based Code.

B. Uses Permitted. The CCPUD regulations are designed to provide for any mix of uses. There are no specifically prescribed uses which are permitted within the boundaries of the Center City Area in order to increase creativity and flexibility in the Center City Area when development according to the CCFBC is not feasible. The owner/applicant will be responsible for the preparation of a list of permitted uses within the specific CCPUD. The development of the list shall take into account the nature and purpose of the CCPUD area, and such uses and locations shall be appropriate in order to protect and be in harmony with surrounding development.

ANALYSIS: The applicant provided a CCPUD Narrative. The Narrative outlines the proposed uses and details of the proposed redevelopment for this property.

PARTICULARS OF THIS CCPUD:

1. **USES:** The CCPUD Narrative outlines the property's allowable uses as follows:
 - Residential Use – limited to upper stories only with a maximum of 8 dwelling units per story
 - Overnight Lodging
 - Hotel/Overnight Lodging and related support services and amenities
 - Restaurant and/or Bar
 - Art Gallery or Display Space
 - Office Uses
 - Civic Uses
 - Variety of Commercial uses as listed on Exhibit C as attached to the CCPUD
2. **SITE PLAN AND ACCESS:** The CCPUD Narrative states the plan is to retain the existing red brick structure at 231 W. Main Street as is, with interior remodeling as needed.

In addition, the CCPUD does allow the existing building to be either:

- a. Rebuilt with similar footprint and materials as the existing building or left vacant if destroyed, or
- b. Removed and not rebuilt, or
- c. Removed and a new structure built within the proposed Required Build Line.

If the existing red brick structure is removed and nothing constructed in its place the required build to percentage will be less than currently proposed in the CCPUD.

The site plan submitted with the CCPUD shows a 5,430 square foot building to be constructed in Phase 1.

The CCPUD proposes the new structure will wrap around the existing one-story red brick building located on the corner. The redevelopment will occur in two phases with a one-story building constructed in Phase 1 and the second story of the building constructed in a Phase 2, when market justifies expansion. The possibility of up to six stories is allowed under the CCPUD Narrative but requested elevations and phasing of these additional stories is not provided.

Due to the preservation of the existing red brick structure, the new structure will occupy 80% of the Required Build Line along Main Street, instead of the 100% listed for Urban Storefront Frontage. The proposed construction along the Required Build Line along Webster Avenue will be 80% as well. The CCFBC Urban General and Urban Storefront Frontages only require 65% construction along the Required Build Line on Webster Avenue.

The new structure will be located on the CCFBC Required Build Line along Main Street but on Webster Avenue, the setback will be an additional 3'6" from the current 3' foot CCFBC Required Build Line for a total of approximately 6'6" from ROW. This setback will allow for an active pedestrian space in front of the structure.

On both Main Street and Webster Avenue there is a proposed staircase that will lead to the rooftop patio area, located on the single-story structure. This staircase will occupy the space between the existing structure and the proposed structure. However, until the second floor staircases are constructed, these two spaces along the Required Build Line will remain vacant, though the CCPUD Narrative indicates they may be used for outdoor seating.

Per the CCFBC, street walls are required for any gap along the Required Build Line.

The CCPUD Narrative states that the new development will share a dumpster off-site with an existing business. Additionally, it is noted that since the proposed structure and raingarden, located behind the structure, occupies the greater majority of the parcel, the addition of a dumpster would more than likely require a revision to the CCPUD Site Plan because a reconfiguration of the building would be necessary to accommodate such a solid waste receptacle.

- 3. HEIGHT:** The applicant is requesting a maximum height of six-stories or 82' but has submitted an elevation illustrating a two-story structure. The applicant is proposing two phases with a one-story structure constructed in Phase 1 and the second story of the structure constructed when the market justifies expansion, in Phase 2. If the second-floor rooftop patio were constructed above the one-story portion of the structure facing Main Street as proposed, this would effectively make this structure one-story, permanently. Additionally, it is possible that market forces would be such, that a second floor will never be constructed. For these reasons, the applicant is requesting a variance from the CCFBC Urban Storefront requirement of a two-story minimum for a single-story structure.

The Center City Form Based Code exempts property previously zoned C-3 from a maximum height requirement.

4. **EXTERIOR MATERIALS:** The CCPUD Narrative states exterior building materials shall comply with Section 402(J), Architectural Materials of the CCFBC and provided elevations that indicate brick veneer with aluminum storefronts and steel canopies for first and second floors.
5. **PARKING:** The CCFBC exempts properties zoned C-3 prior to the CCFBC designation from parking requirements. The proposal does not provide for any on-site parking for this structure.
6. **LANDSCAPING/OPEN SPACE:** The CCPUD Narrative states that the site will have 30% of the open space provided by the rooftop patio, if constructed. An additional 10% open space will be provided by the area located between the front of the building and the right-of-way for the building facing Webster Avenue. If the rooftop patio is built, this would result in 40% open space for the site. If roof top patio is not built, the site would only contain 10% open space, therefore, the applicant is requesting a variance to the 15% open space required by the CCFBC Urban Storefront. The CCPUD Narrative indicates the open space in front of the building may be used for outside seating.

Per the CCFBC, the Urban Residential Frontage requires at least 15% of the total buildable area be preserved for open space behind the Parking Setback Line.

Once the second floor is constructed the open space percentage may change, the applicant does not state if there will be additional rooftop open space provided.

7. **SIGNAGE:** Aside from requested 300 square foot roof sign and a 300 square foot wall sign, the CCPUD states that all signs shall comply with the signage provisions set out in Section 402.N of the CCFBC. It is anticipated that signs for each individual business will be installed.

Per the CCFBC, the 300 square foot wall sign is more than the approximately 75 square feet allowed by the CCFBC Signage section. Roof signs are not permitted by the CCFBC Signage section, however, blade signs that are between 25-35 square feet are allowed.

8. **LIGHTING:** While no specific information is given in the CCPUD or the elevations regarding lighting or mechanical equipment, the CCPUD states that the proposed development will meet Section 402 General Provisions. O. Lighting and Mechanical.
9. **ELEMENTS/FENESTRATION:** The CCPUD states that the structure shall comply with Section 403, Elements of the CCFBC Urban General Frontage, including but not limited to the Fenestration percentages. It further indicates that futures stories not shown on the elevation drawings will comply with Section 403 Siting and Elements. Percentages of fenestration are not provided either in the CCPUD Narrative or on the elevation drawings submitted. Additionally, it should be noted that the CCPUD states floors three through six will meet the Element requirements of the CCFBC Urban Genera Frontage.

10. VARIANCES: The CCPUD Narrative provides a list of variances, as cited in the various categories above.

Review and Variance Process for this CCPUD:

The typical review process for a new CCFBC application, for new construction, requires review by the Design Review Team (DRT) to ensure compliance with the form of the Frontage designated for the parcel – in the case of a CCPUD, DRT does not review the application nor will DRT review any future expansion of this site – the CCPUD will be the controlling document.

The CCPUD Narrative allows the Planning Director to approve variances from this CCPUD Narrative in accordance with Appendix F, Section 520 (F) Administration of the CCFBC, as amended thereafter.

OTHER AGENCY COMMENTS:

- **PUBLIC WORKS** Water and sewer service are existing for this site.
- **PREDEVELOPMENT PD20-23** **October 22, 2020**
No neighbors attended the predevelopment meeting for this proposal.

CONCLUSION: Staff forwards this request and Ordinance No. O-2021-23 to Planning Commission for consideration.