

COUNCIL ACTION FORM

SUBJECT: ZONING TEXT AMENDMENTS RELATED TO MINIMUM FLOOR AREA RATION AND HEIGHT REQUIREMENTS FOR INSTITUTIONAL USES REQUIRING SPECIAL USE PERMITS IN THE DSC AND CSC ZONING DISTRICTS

BACKGROUND:

Representatives of the United Church of Christ (UCC) desire to construct an addition to their facility at 217 - 6th Street. In support of this effort, they have applied for rezoning of their property from the Neighborhood Commercial (NC) zoning district to the Downtown Service Center (DSC) zoning district. The UCC representatives believe the change to DSC zoning will better align with the use of the property and proposed expansion they would like to complete. **UCC is seeking a text amendment to the Downtown Service Center (DSC) zoning district to amend the development standards language for minimum floor area and height requirements to help further accommodate their needs with regard to the proposed project.**

City Council consented to initiate a zoning text amendment at its January 26, 2016 meeting. Council directed staff to draft an ordinance that would meet the interests of UCC by allowing uses subject to a Special Use Permit to be exempt from minimum floor area ratio (FAR) and two-story height requirements. In addition to addressing the issue for DSC, Council also directed that the same types of considerations be reviewed for CSC zoning due to similar minimum height and FAR requirements as DSC. The proposed changes would affect Sections 29.808(3) and 29.809(3) of the Municipal Code. The existing ordinance and the proposed changes are found in Attachment A. There is an existing exception process for minimum height that has not been altered by the proposed amendments. It remains in place due to its applicability to any use in the DSC or CSC, not just the Special Use Permit types of uses.

The text amendment adds language to the DSC development standards table in 29.808(3) by noting the approval process for uses that require a Special Use Permit may allow for a proposed project to not meet FAR and minimum height requirements. The proposed language is the same for the CSC zoning district with language added to table 29.809(3). **In staff's opinion, the key consideration of exempting a use that is subject to the Special Use Permit process is that the issues of context and compatibility will still be addressed within the criteria of the Special Use Permit. Additionally, special use permit uses are generally unique in either how they operate or how they are configured compared to typical commercial trade and office uses. While formal compliance is not required, a project must address the purpose of the zoning district and the issue of "main street" character in review of the project.**

Exempting uses subject to Special Use Permits would have limited applicability as the range of uses that it applies to is a short list. **Special Use Permits generally apply to institutional and miscellaneous uses, but not to trade, office, or entertainment uses.** This means that commercial uses will still be required to meet the minimum FAR and Height requirements and cannot request a special use permit to get an exception from the minimum requirements.

The Special Use Permit process would allow for a case-by-case review by the Zoning Board of Adjustment of how such a use would fit within its surroundings and meet the purpose and objectives of the zoning district. Under this option, the focus of the Special Use Permit would not be specifically on the FAR and building height, but would relate to certain approval criteria. Attachment B includes the Special Use Permit criteria that apply specifically to this type of scenario from both the general criteria and commercial criteria found in 29.1504(4)(a)(c).

At its February 17th meeting, the Planning & Zoning Commission discussed the text amendment, why such a specific change was needed, and how it would affect the intended character and development in DSC and CSC zoning districts. Ultimately the Commission voted to recommend the City Council adopt the proposed new language to 29.808(3) and 29.809(3).

ALTERNATIVES:

1. The City Council can on first reading approve the ordinance allowing for special uses to be approved with an exception to the minimum FAR and building height in the DSC and CSC zoning districts.
2. The City Council can decline to adopt the proposed amendments regarding required minimum FAR and building height in the DSC and CSC zoning districts with regard to uses requiring a special use permit.
3. The City Council can recommend alternative language for the proposed amendments regarding fences.

CITY MANAGERS RECOMMENDATION:

The proposed changes add an exception for FAR and height requirements to development standards for uses requiring a Special Use Permit in the DSC and CSC zone regulations. The intent is to provide for the ability of such uses that may be non-compliant with minimum required FAR and height requirements to use their property and make changes to such property in a manner that protects their unique operating needs within a commercial district, while still providing for oversight of each use via the Special Permit Process.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 as described above.

ATTACHMENT A: PROPOSED LANGUAGE
(Proposed Changes are in bold lettering)

Section 29.808 (3)

29.808 - DSC Zone Development Standards

(3) Zone Development Standards. The zone development standards for the DSC Zone are set forth in Table 29.808(3) below:

Table 29.808(3)
Downtown Service Center (DSC) Zone Development Standards

DEVELOPMENT STANDARDS	DSC ZONE
Minimum FAR	1.0 [1] Except that the Zoning Board of Adjustment may determine through review of a use subject to approval of a Special Use Permit Use that such a proposed use and design is compatible in character with its surrounding and is exempt from meeting minimum FAR and minimum height.
Minimum Lot Area	No minimum, except for mixed uses, which shall provide 250 sf of lot area for each dwelling unit
Minimum Lot Frontage	No minimum, except for mixed uses, which shall provide 25 ft.
Minimum Building Setbacks: Front Lot Line Side Lot Line Rear Lot Line Lot Line Abutting a Residentially Zoned Lot	0 0 0 10 ft.
Landscaping in Setbacks Abutting an R Zoned Lot	5 ft. @ L3. See Section 29.403
Maximum Building Coverage	100%
Minimum Landscaped Area	No minimum
Maximum Height	7 stories
Minimum Height	2 Stories [1] , Except that the Zoning Board of Adjustment may determine through review of a use subject to approval of a Special Use Permit Use that such a proposed use and design is compatible in character with its surrounding and is exempt from meeting minimum FAR and minimum height.
Parking Allowed Between Buildings and Streets	No
Drive-Through Facilities Permitted	Yes
Outdoor Display Permitted	Yes. See Section 29.405
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	Yes

(4) Standards for the Granting of Exceptions to the Minimum Requirement for Two Story Buildings in the DSC (Downtown Service Center) District. Before an exception to the requirement for two-story buildings in the DSC (Downtown Service Center) can be granted, The Zoning Board of Adjustment shall establish that the following standards have been, or shall be satisfied:

(a) Standards. The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed one-story building, in the DSC zone, meets the following standards:

(i) Physical circumstances exist for the property which result in a lot with a size and shape that is not conducive to a multi-story structure, and

(ii) It can be demonstrated that there is a direct benefit to the community to have a one-story structure, at the proposed location, as opposed to a multi-story structure.

(b) Procedure. The procedure to follow for an “exception” is described in Section 29.1506(3).

(Ord. No. 3815, 12-21-04; Ord. No. 3872, 03-07-06)

[1] Except that the Zoning Board of Adjustment may determine through review of a use subject to approval of a Special Use Permit Use that such a proposed use and design is compatible in character with its surrounding and is exempt from meeting minimum FAR and minimum height.

CHAPTER 29.809(3)

(3) Zone Development Standards. The zone development standards for the CSC Zone are set forth in Table 29.809(3) below:

Table 29.809(3)
Campustown Service Center (CSC) Zone Development Standards

DEVELOPMENT STANDARDS	CSC ZONE
Minimum FAR	1.0 [1], Except that the Zoning Board of Adjustment may determine through review of a use subject to approval of a Special Use Permit Use that such a proposed use and design is compatible in character with its surrounding and is exempt from meeting minimum FAR and minimum height.
Minimum Lot Area	No minimum, except for mixed uses, which shall provide 250 sf of lot area for each dwelling unit
Minimum Lot Frontage	No minimum, except for mixed uses, which shall provide 25 ft.
Minimum Building Setbacks: Front Lot Line Side Lot Line Rear Lot Line Lot Line Abutting a Residentially Zoned Lot	0 0 10 ft. 10 ft.
Minimum Landscaped Area	No minimum
Landscaping in Setbacks Abutting an R Zoned Lot	5 ft. @ L3. See Section 29.403
Maximum Building Coverage	100%
Openings between buildings	In order to provide access for vehicles and/or utilities to the interior of the block, there shall be a twenty foot wide opening between buildings, at the approximate mid-point of each face of each block. In addition to this mid-block areaway or drive, any lot without other means of access from a public street or alley may have one driveway from the street of up to 20-ft in width.
Minimum Height	25 feet [1], Except that the Zoning Board of Adjustment may determine through review of a use subject to approval of a Special Use Permit Use that such a proposed use and design is compatible in character with its surrounding and is exempt from meeting minimum FAR and minimum height.
Maximum height in portions of CSC bounded by: Lincoln Way Stanton Avenue Hunt Street Hayward Avenue	115 feet
Maximum height within fifteen (15) feet of the right-of-way lines of: Lincoln Way from Hayward Avenue to Stanton Avenue Welch Avenue from Lincoln Way to Chamberlain Street	30 feet, except buildings of three stories height or fewer with frontage on Lincoln Way and without residential use
Maximum Height in all other locations	75 feet.
Parking Allowed Between Buildings and Streets	No
Windows	More than 50% of the area of primary or secondary façade between the ground line and the second floor line shall be windows that allow views

	into the interior space or be a display window.
Building Materials	Clay brick shall comprise more of the exterior wall surface of the building than any other material. Exterior surface does not include windows or doors or their trim. This requirement does not apply to additions to buildings which do not have brick as an exterior material.
Entrance	There shall be at least one functional pedestrian entrance facing a street.
Balconies	There shall be no exterior balconies above the third floor.
Site materials	No rocks, brick fragments or other hard, loose material over ¾-inch in size shall be used.
Drive-Through Facilities Permitted	Yes
Outdoor Display Permitted	Yes, See Section 29.405
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	Yes

(4) **Standards for the Granting of Exceptions to the Minimum Requirement** for Two Story Buildings in the CSC (Campustown Service Center) District. Before an exception to the requirement for two-story buildings in the CSC (Campustown Service Center) can be granted, the Zoning Board of Adjustment shall establish that the following standards have been, or shall be satisfied:

- (a) Standards. The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed one-story building, in the CSC zone, meets the following standards:
- (i) Physical circumstances exist for the property which result in a lot with a size and shape that is not conducive to a multi-story structure, and
 - (ii) It can be demonstrated that there is a direct benefit to the community to have a one-story structure, at the proposed location, as opposed to a multi-story structure.
- (b) Procedure. The procedure to follow for an “exception” is described in Section 29.1506(3).

(5) **Compliance.** New buildings shall be constructed in full compliance with the above standards for building design. In building additions or remodeling it is not required that the entire building be brought into full compliance with the above standards for building design. It is only required that the addition or remodeling comply. It is required that the addition or remodeling does not have the effect of increasing the level or degree of nonconformity of the building as a whole.
(Ord. No. 3872, 03-07-06)

[1] Except that the Zoning Board of Adjustment may determine through review of a use subject to approval of a Special Use Permit Use that such a proposed use and design is compatible in character with its surrounding and is exempt from meeting minimum FAR and minimum height.

Attachment B
Excerpts of Pertinent Special Use Permit Criteria

Special Use Permit General Criteria 29.1504(4)(a)

- (i) Be harmonious with and in accordance with the general principles and proposals of the Land Use Policy Plan of the City;**
- (ii) Be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;**

Special Use Permit Commercial Criteria 29.1504(4)(c)

- (i) Be compatible with the potential commercial development and use of property planned to occur in area;**
- (ii) Represent the sufficiently desirable need for the entire community that the loss of commercial land is justifiable in relation to the benefit; and**
- (iii) Be consistent with all other applicable standards in the zone**