

Staff Report

Request By United Church Of Christ to Initiate a Text Amendment to The Downtown Service Center (DSC) District Minimum Floor Area Ratio And Height Requirements

January 26, 2016

BACKGROUND:

The City Council received a request on December 22nd for Council to consider initiating a Zoning Text Amendment, to allow religious institutions in the DSC (Downtown Service Center) zoning district to operate under an exception to the minimum floor area ratio and minimum height requirements in the DSC zoning regulations. After reviewing the memo provided by the staff regarding this issue, at the January 12th meeting the City Council asked that this item be placed on a future agenda.

The property owner, United Church of Christ located at 217 6th Street, desires to enclose a walkway entering into the church as part of a long term master plan for their facility. The United Church of Christ already greatly exceeds the maximum allowed Floor Area Ratio (FAR) and building coverage allowances of their underlying Neighborhood Commercial zoning and cannot expand their existing structure as desired. **Therefore, the United Church of Christ desires to rezone the property to DSC so as to not be restricted by a maximum floor area and coverage standard. However, if rezoned to DSC, United Church of Christ would then be non-compliant within the DSC zoning district as they would not achieve the minimum 1.0 floor area ratio standard and potentially the two-story minimum height requirement.**

Neighborhood Commercial and Downtown Service Center zoning were created as part of the 2000 Zoning Ordinance update. Prior to 2000, Downtown was zoned as General Commercial and the property upon which the church sits was Planned Commercial, two zoning districts that no longer exist. DSC standards were crafted with the purpose of promoting Downtown as an urban district that continued the feel and look of a traditional Main Street downtown area. Most of the historic buildings in Downtown are two stories and have an FAR that is greater than 1.0. These standards were written to ensure that new development would be of similar character as existing buildings and would not be underdeveloped with one-story buildings and substantial amounts of surface parking.

OPTIONS:

Downtown has some challenges to allowing for incremental changes with the FAR and Height standards, especially for properties that are not commercial uses, properties with nonconforming uses or structures, and for surface parking

lots. Staff believes that City Council could find merit to the request to either directly relieve religious institutions from meeting minimum floor area and height requirements or to create a permitting process for exceptions to the requirements. **Staff also believes that if there are any changes to the DSC zoning there should be corresponding changes to the Campustown Service Center zoning due to the same situational concerns and standards.**

1. Initiate a text amendment to the DSC development standards to exempt uses requiring a Special Use Permit (such as religious institutions, child care, breweries) from the minimum FAR and building height requirements.

This option would have limited applicability by generally applying to institutional and miscellaneous uses, but not to trade, office, or entertainment uses. **It 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.

2. Initiate a text amendment to modify the exception process to include FAR and height.

This change would apply to all types of uses, not just religious institutions. There is an exception process already in place for height, but the standards are quite hard to meet. An exception process may establish more specific standards for deviating from minimum requirements than the Special Use Permit process. An exception would need approval from the Zoning Board of Adjustment.

3. Initiate a text amendment to clarify that a nonconforming building may be added onto without having to meet minimum FAR or height requirements.

This is a different take on the request that deals with the issue of nonconformity on a site rather than the standard itself. This change would apply to all types of uses, not just religious institutions. Currently a use can be expanded by up to 125% of the current use, but a structure cannot be enlarged if it does not meet zoning standards. This option would allow for incremental property changes and additions without having to fully meet the floor area and height requirements that would be expected of new developments, but it would function within the limited options of a non-conforming use and approvals through staff and the Zoning Board of Adjustment.

4. Initiate a text amendment that make exempts religious institutions from minimum FAR and height standards, without approval of special use permit or exception.

This option would directly exclude religious uses from the standards, but would not exclude them from needing a special use permit for review of their use in general. If Council does not believe FAR and height are relevant to non-commercial uses and case-by-case review was not needed, it would pick this option to streamline the review process.

5. Decline to initiate a text amendment and have the property owner seek a variance from the Zoning Board of Adjustment.

STAFF COMMENTS:

If Council initiates an amendment, staff would work to incorporate a change to both the DSC and CSC zoning to address the issue of additions at religious institutions the same since they are the only two zoning districts with minimum FAR and height standards. Recently, the Collegiate Methodist Church was in a similar situation and had to seek variances to do modifications to their property.

Staff does not believe a referral for a text amendment would need to be considered a major issue requiring prioritization by the Council, as it would not require extensive research or outreach. Staff believes most of the options have merit depending on one's perspective of meeting design interests and supporting the unique needs of religious institutions. **The primary issue for Council is whether initiating a text amendment should be limited in scope to a religious institution type of use or a broader solution that could be available for a variety of uses.**