

STAFF SUMMARY

Amendments to Sections 25-2-766.04, 25-2-766-12, 25-2-766.21 and 25-2-766.22 of the City Code to modify language in the Transit Oriented Development (TOD) Ordinance.

The Neighborhood Planning and Zoning Department is requesting approval of amendments to the TOD Ordinance. Each amendment, and a rationale for the proposed amendment is listed below:

1. Enable a Station Area Plan (SAP) to amend TOD district boundaries.

Rationale - The TOD Ordinance indicates that TOD district boundaries and zones established within a TOD are intended to be "initial" designations until a Station Area Plan is adopted. While the Ordinance explicitly states that zones within a TOD may be amended in a Station Area Plan, it did not include the same provision for the overall TOD district boundaries. This amendment would allow for TOD district boundaries to be minimized or enlarged in a SAP in response to station area planning activities; the changes to TOD boundaries are expected to be minimal and would be focused within the ½ mile radius around a transit facility, which is the area of influence of transit-oriented development.

(Note: similar to the initial designation of TOD boundaries, any modifications to boundaries are expected to include property designated as mixed use, commercial, or office on neighborhood plan future land use maps).

2. Provide that a Station Area Plan (SAP) is an exception to the required neighborhood plan amendment filing periods.

Rationale – According to the current TOD Ordinance, upon adoption of a Station Area Plan, relevant neighborhood plans must be amended to incorporate the SAP. However, neither the TOD Ordinance nor the Neighborhood Plan Amendment Ordinance excepts a SAP from the application filing periods stipulated in the Neighborhood Plan Amendment Ordinance. Therefore, a SAP could only be presented for adoption to the City Council in either February or July, which is not realistic given the current station area planning schedule. In order to amend neighborhood plans at the time a station area plan is brought forward to the City Council for adoption, an exception to the current filing periods is needed.

3. Subject to approval by the director of the Neighborhood Planning and Zoning Department, allow a transportation terminal use within a TOD District, operated by a governmental agency, if the use is consistent with TOD principles and best practices.

Rationale - Currently within a TOD district, a transportation terminal (for example, bus services connecting to a commuter rail stop) is only allowed in the portion of the TOD designated as a gateway zone (the gateway zone indicates the area immediately around the transit platform). The TOD zones adopted in the TOD Ordinance in May 2005 assumed that Capital Metro's commuter rail stops and related transit activities would be located within a gateway zone. However, due to the fact that the locations of the commuter rail stops were not precise when the TOD Ordinance was adopted, minor changes to the location of a rail stop may cause the stop and/or associated transit services to be outside of the initially designated gateway zone.

The immediate need for this amendment is due to a site plan that Capital Metro has submitted for the MLK TOD station platform, pedestrian plaza, and bus transfer area. Due to the curvature of the rail line south of Martin Luther King Jr. Blvd., Capital Metro is locating their commuter rail platform further south than originally anticipated. The TOD zones adopted in the TOD Ordinance in May 2005 assumed that the platform area and related transit activities would be located in the area designated as the gateway zone. However, Capital Metro's current site plan locates their transportation terminal activities just outside of the gateway zone where a transportation terminal is not a permitted use.

This amendment would permit Capital Metro's bus interface at the MLK MetroRail stop to occur outside of the gateway zone. In addition, by allowing the use in a TOD more generally, potential problems may be avoided for future station areas where the location of the transit facility may not be definitive. *(Note: the TOD zones adopted in the TOD Ordinance were intended to be preliminary as the Ordinance established that these zones may be omitted or added and their locations may be modified through a Station Area Plan).*

On October 15, 2007, the Land Use and Transportation Subcommittee (LUTS) recommended that this proposal include additional language to give the director of NPZD the ability to approve the request for a transportation terminal use in a TOD, and that TOD principles and best practices be considered in association with the use.