

STAFF RECOMMENDED REVISIONS TO THE REGULATING PLAN FOR THE MLK STATION AREA PLAN (POST 1ST READING)

The proposed Regulating Plan revisions below incorporate and/or modify the information presented at first reading. The Regulating Plan is an element of each Station Area Plan (SAP). It establishes TOD Zoning and TOD Design Standards and will replace the Citywide Design Standards in Subchapter E that are currently in place, once the Station Area Plans are adopted. Many of the revisions are recommended for the following reasons:

- 1) To add clarification to specific elements of the current versions of the Regulating Plans so as to minimize ambiguity during the development review process
- 2) To remain consistent with future updates to specific standards in the Citywide Design Standards, regulations that are currently being developed for the North Burnet/Gateway Planning Area, and existing adopted standards in the University Neighborhood Overlay (in order to minimize confusion and facilitate understanding, regulation, and enforcement of the standards in the Regulating Plans, consistency of City regulations is desired when appropriate)
- 3) To respond to additional staff commentary or a change in conditions since the draft Regulating Plans were developed.

[Underlined text indicates added language and ~~strike through~~ text indicates removed text]

1. Clarify standards related to building placement in order to more clearly establish the roadway hierarchy, which is the primary method of applying the design standards established by the TOD Zoning:

Under Section 4.4.2 (*Building Placement Factors*) revise the text as follows:

A. Principal Street Determination ~~Roadway Type Hierarchy~~

1. Any roadway type with an active edge designation has priority.
2. Absent an active edge designation, the following three roadway types are listed from highest to lowest priority for purposes of this Article and Article 5:
 - a. TOD Core Transit Corridor;
 - b. TOD Pedestrian Priority Street; and
 - c. TOD Local Street.

The highest level of priority adjacent to the lot or site is considered the “principal street” for the purpose of applying many of the standards in Articles 4 and 5. For a lot or site that is adjacent to more than one roadway with an active edge designation, the roadway designated by the lot owner shall be considered the principal street.

For a lot or site with no active edge that is adjacent to more than one roadway of equal priority, the roadway with the highest level of transit service, as determined by the Director, shall be considered the principal street...

In Article 5 (*Building Design Standards*), add a general applicability section for clarification purposes and renumber subsequent sections in this Article accordingly:

5.2 Applicability

For the purposes of applying the standards in this Article, refer to Article 2 for a description and map of TOD Subdistricts, Article 3 for a description and map of TOD Roadway Types, and Subsection 4.4.2.A: Principal Street Determination.

2. Include the Urban Design Division of NPZD in the Alternative Equivalent Compliance decision-making process to ensure a comprehensive review of these applications.

In Subsection 1.4.3 make the following revision:

B.3. The Director, in coordination with the Urban Design Division in the Neighborhood Planning and Zoning Department, shall review the concept plan for compliance with the criteria in Subsection 1.4.4 and shall approve, approve with conditions, or deny the concept plan in writing.

3. Include the same type of sign regulations required in the University Neighborhood Overlay (UNO) to ensure that signage is scaled to the pedestrian level.

Add a Section 4.8 titled Sign Regulations with the following text and renumber subsequent sections in this Article accordingly:

4.8.1 Applicability

All development.

Requirement must be met on all adjacent roadway types

4.8.2 Sign Regulations

Development shall comply with the Sign Regulations in the LDC Section 25-10-133, University Neighborhood Overlay Zoning District Signs.

Add Section 4.8 to the Alternative Equivalent Compliance Applicability Section 1.4.2 and renumber/re-letter subsequent sections accordingly:

G. Section 4.8 – Sign Regulations

4. Revise standards that relate to window glazing and exterior lighting to more appropriately address single family and related development.

Amend the Window Glazing and Exterior Lighting sections by revising the applicability language in Subsections 4.6.1 and 5.3.1 to exempt the following uses from these standards:

Application Details: Exemptions include single family, single family attached, duplex, two-family, and townhouse development.

5. Clarify standards that relate to shade and shelter.

In Section 5.4 “Shade and Shelter” make the following revisions and re-letter subsequent subsections accordingly:

A. A shaded sidewalk shall be provided alongside at least 50 percent of the following:

- 1) All building frontages adjacent to or facing the principal street. ~~and adjacent parking.~~
- 2) All building frontages adjacent to off-street parking.

B. When adjacent to off-street parking, the shaded sidewalk shall be raised above the level of the parking by way of a defined edge. ADA ramps along the building must also be shaded.

[C & D remain unchanged]

E. For emergency service providers, Alternative Equivalent Compliance may be sought for relief from the principal street shaded sidewalk requirements of Subsections A and C above to the extent necessary for emergency service vehicle and overhead door access.

6. Add/revise specific definitions in Article 6 for clarification purposes.

- Net site area: Refer to Section 28-8-62 of the Land Development Code
- Joint use driveway: Refer to Section 25-6-417 of the Land Development Code.

- Glazing: The panes or sheets of glass or other ~~transparent non-glass~~ material made to be set in window frames, as in windows or doors which allow visibility of interior building spaces or window displays.

7. Revise the applicability standards in Section 1.2.

The language below is included to better define the types of development that require full compliance with the TOD Design Standards as the original language is subject to interpretation and ambiguous. The revised language is also necessary to modify the existing section on partial exemptions with the TOD Design Standards (the previous language used a monetary value to measure the extent of the improvement, which would not be verifiable by Development Review staff and most likely not available at the site plan stage). The revisions are consistent with future modifications to the Citywide Design Standards and the North Burnet/Gateway Neighborhood Plan Regulating Plan.

1.2.3 TOD Design Standards

B. General Exemptions from the TOD Design Standards

The following types of development are exempt from the TOD Design Standards of this Document:

1. Development that does not require a site plan under Chapter 25-5-2(B), (C), (E), (F), (G), (H), (I), or (J);
2. Interior remodeling of a building, including interior additions; and
3. Development for which public access is prohibited due to health, safety, public security, and welfare reasons.

C. Full Compliance

Except as provided ~~Unless exempted~~ in Subsections B and D, if a particular standard of this Document is applicable to development on a particular site, then that standard shall be applicable to the following activity:

1. New construction on previously undeveloped land; and
2. New construction and site development, including improvements, where all existing buildings have or will be completely demolished or rendered unusable as determined by the Director, and
3. Any new freestanding building added to a site with existing development.

~~Redevelopment or major rehabilitation (for redevelopment or major rehabilitation, the Director shall determine the portion of the site to which the standard applies, based on the extent of change proposed). For the purposes of this Document, it shall include any project that will, combined with all other redevelopment or rehabilitation of the site that has occurred since the effective date of this Document:~~

- a. ~~For sites of less than one acre, generate 1,000 vehicle trips or more per day above the estimated trip level on the effective date of this Document, and for sites of one acre or more, generate 2,000 vehicle trips or more per day above the estimated trip level on the effective date of this Document; or~~
- b. ~~Increase the site's impervious cover by 25 percent or more beyond the amount of impervious cover existing on the effective date of this Document.~~

D. Partial Exemptions

For a project that is not subject to Subsections B and C above, the Director shall determine which standards of this Document apply to the project, or a portion of the project, in accordance with the following requirements:

1. The portion of the project where new buildings are constructed or existing buildings are expanded must comply with Section 4.6 (Exterior Lighting), Section 4.7 (Screening of Equipment and Utilities), and the applicable sidewalk requirements in Section 3.3 (Sidewalk Standards).

2. The portion of the project where new buildings, exterior additions to existing buildings, and remodeled facades are constructed must comply with the requirements of Article 5 (Building Design Standards).
3. Subject to the requirements in Paragraphs a-c of this subsection, all new buildings and additions to existing buildings must comply with the applicable building placement requirements in Section 4.4:
 - a. Full compliance with building placement requirements is required unless the Director determines that it cannot be achieved due to:
 1. The location of existing buildings or other improvements to be retained on the site;
 2. The size or magnitude of the proposed addition;
 3. The nature of a use to be included in a proposed addition to an existing building that limits placement of that use on the site;
 4. Topography, protected trees, or critical environmental features; or
 5. The location of water quality or detention facilities.
 - b. An applicant must carry the burden of establishing that full compliance with building placement requirements cannot be achieved under the criteria in Paragraph a and must provide all information requested by the Director.
 - c. If the Director determines that full compliance cannot be achieved based on the criteria in Paragraph a, an applicant must comply with the building placement requirements to the extent possible.

~~D. If neither of the conditions in Subsection B above is met, and if the value of the proposed alterations on the site as determined by the Director is at least \$100,000, the site must comply with the development standards listed below.~~

~~1. Single Family Dwelling Exemption from this Subsection~~

~~The reconstruction and rehabilitation of an existing single-family home is exempt from the provisions in this Subsection.~~

~~2. Exceptions from Value of Alterations~~

~~The value of the alterations is based on the entire project and not individual building permits. The following alterations and improvements do not count toward the threshold:~~

- ~~a. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act;~~
- ~~b. Improvements to on-site storm water management facilities in conformance with City standards; and~~
- ~~c. Any fire, public health, public safety, and/or environmental requirements or agreements with the City.~~

~~3. Standards~~

~~Development shall comply with the standards below in the priority order listed:~~

- ~~a. Sidewalk standards in Section 3.3;~~
- ~~b. Landscape buffering for surface parking between the clear zone (or supplemental zones if provided) or the existing sidewalk and the parking area, according to the off-street parking design standards in Section 4.5.;~~
- ~~c. Bicycle parking requirements according to Section 4.5; and~~
- ~~d. Screening of equipment and utilities according to Section 4.7 of this Document.~~

~~4. Improvement obligations~~

~~The cost of required improvements is limited to 10 percent of the value of the proposed alterations. If the amount of the improvement obligation is insufficient to provide a~~

~~complete or useful improvement as determined by the Director, a lower priority improvement listed above in Subsection 3 Standards, may be selected.~~

8. Revise standards related to curb cut spacing to address small lots.

Rename Section 3.5.4 to “Curb Cut Spacing Standards for TOD Core Transit Corridors” and revise as follows:

A. Applicability

All development ~~Development along a TOD Core Transit Corridor~~

B. General Standards

In addition to the standards under Subsections C and D below, curb-cuts on streets in the TOD District shall be located in accordance with the driveway spacing standards in Section 5 of the Transportation Criteria Manual (TCM).

~~B. C. TOD Core Transit Corridors Standards~~

Curb cuts for vehicular connection between the site and any adjacent TOD Core Transit Corridor shall not occur more frequently than every 330 feet. A TOD Local Street or TOD Pedestrian Priority Street does not count as a curb cut.

D. Small Lots on TOD Core Transit Corridors

For a lot with street frontage less than 50 feet wide adjacent to a TOD Core Transit Corridor (TCTC) or TOD Pedestrian Priority Street (TPPS), access to the lot shall be provided from a single joint use driveway from the TCTC or TPPS; otherwise, access shall be provided from a TOD Local Street or alley.

9. Include standards that relate to curb cut width to facilitate pedestrian flow by reducing the impact of curb cuts on primary streets.

Add a new Subsection 3.5.5 “Curb-Cut Dimensional Standards” and renumber subsequent subsections accordingly.

3.5.5 Curb-Cut Dimensional Standards

A. Applicability: Applies to all development

B. Curb-Cut Width Standards

Section 5 of the Transportation Criteria Manual (TCM) specifies driveway standards in 5.3.2 of the TCM. These standards shall continue to apply to residential (Type I) and commercial (Type II) driveways, except as provided in this subsection.

1. The maximum Type I driveway width for single family, duplex, and townhouse residences shall be 18 feet.

2. Driveways along street frontages with an active edge designation are discouraged. When they are deemed necessary by the Director, the maximum Type II driveway width for multi-family residential and commercial uses shall be 30 feet along an active edge.

3. Other Type II driveways within the TOD District shall be no more than 30 feet wide, and they may be expanded to a maximum width of 35 feet when deemed necessary by the Director for proper traffic circulation and access.

4. The maximum curb return radius for all Type II driveways shall be 15 feet. The maximum curb return radius may be expanded when deemed necessary by the Director for proper traffic circulation and access.

5. Sidewalk clear zones crossing a driveway shall be continuous and as straight and level as possible. Curb cuts shall ramp up and down to the level of the sidewalk rather than require additional curb ramps along the sidewalk.

10. Revise language related to bicycle parking to reflect recent additional input from the Bicycle and Pedestrian Program staff.

Revise Subsection 4.5.6 "Bicycle Parking Requirements" as follows:

A. Minimum Requirement

Bicycle parking shall be as prescribed by the LDC Appendix A (Tables of Off-Street Parking and Loading Requirements). The required amount shall be calculated based on the motor vehicle spaces required by Appendix A prior to any available parking reductions.

1. For retail uses, a minimum of at least 75% of all required parking shall be located along the principal street and within 50 feet of a primary building entrance. For all other uses, the requirement is a minimum of 10%.

2. After meeting the requirement in 1. above ~~75% requirement above~~, the remainder of required bicycle parking may be located....:

- a. Within 50 feet of other building entryways not on the principal street; or
- b. At employee entrances; or
- c. Within a building, or
- d. In a covered motor vehicle parking area.

11. Revise standards that relate to window glazing to better accommodate for alternative methods of meeting the requirement.

In Subsection 5.3.3 "Standards" revise text as follows:

1. At least 40 percent of the wall area along the principal street that is between two and ten feet above grade shall consist of glazing. ~~Doors shall not be considered for the purpose of meeting this requirement."~~

12. Clarify standards that relate to building entrances.

Revise Section 5.2 as follows and renumber/re-letter subsequent sections accordingly:

5.2.1 Building Entrance Standards for Pedestrians ~~5.2.2 Standards~~**A. Applicability:**

All development; required along the principal street and active edges; corner site provisions apply.

[B & D remain unchanged]

C. Building entrances shall be provided for each separate ground floor commercial tenant space ~~and entrances shall be located at intervals of no more than 75 feet~~ along the elevation facing the principal street and along any active edge designation.

13. Include standards that relate to building entrances and exits for vehicles to minimize vehicle/pedestrian conflicts in sidewalk areas.**5.2.3. Building Entrance and Exit Standards for Vehicles****A. Applicability**

All development except single family, single family attached, duplex, two-family, and townhouse development and emergency service facilities; corner-site provisions apply.

B. Building entrances and exits for vehicles shall be located to the rear or side of a building, except as provided in D below.

C. Where multiple street frontages are present, building entrances and exits for vehicles shall not face the principal street, or be located within 100 feet of the principal street, except as provided in D below.

D. Vehicle entrances and exits for structured parking may face a principal street only when no other feasible access is available on another street frontage or alley, as determined by the Director

14. Revise the use table to add a condition to a privately owned and operated transportation terminal use (Figure 2-2).

Under "Additional Regulations" add: A Transportation Terminal Use is a conditional use if operated by a private entity.

15. Update Figures 1-1, 2-1, 3-4, 4-1, and 4-19

The single family home at 2955 Higgins Street shall be removed from the MLK TOD District as it was inadvertently included in the Station Area Plan when properties at the intersection of MLK Jr. Blvd. and Airport Blvd. were added to the District. All of the maps in the plan will reflect this change.

16. Update Figure 4-1.

Figure 4-1 illustrates the base maximum building height with no development bonus. The change is needed to reflect a rezoning approved in April 2008 on the Redeemer Presbyterian property, which modified the location of their 60-foot height building footprint.

17. Update the use table (Figure 2-2).

A. In the Medium Density Residential Subdistrict the following uses shall be permitted to accommodate existing development and small lot sizes: Single family, Duplex, Two-family, and Single-family attached.

B. In the Corridor Mixed Use Subdistrict (only located at the intersections of MLK Jr. Blvd./Airport Blvd. and Manor Road/Airport Blvd., which were not part of the original TOD District but added during the planning process), allow the following as permitted commercial uses: Auto repair services, Auto sales, Equipment repair, Equipment sales, and Vehicle storage (TOD Design Standards will apply to new development)

18. Include design standards for a drive-through facility to ensure proper design in the limited area these facilities are allowed.

A drive-through facility is not generally appropriate in a TOD District. However, the Corridor Mixed Use Subdistrict that has been added at the Manor and MLK intersections with Airport Blvd. is removed from the station and the nucleus of the TOD. The properties in this Subdistrict currently accommodate drive-in facilities and there are existing facilities along the highly traveled Airport Blvd. In place of prohibiting drive-through facilities outright in this Subdistrict, a more form-based approach is being used to accommodate existing uses, while ensuring that new or relocated drive-through facilities comply with a higher design standard.

Subsection 2.3.8: Drive-through Facilities ~~in Services~~

A. A drive-through facility is allowed only in the Corridor Mixed Use Subdistrict.

B. A restaurant use with a drive-through facility ~~A use with a drive-in service~~ is prohibited throughout the TOD District.

A drive-through facility shall comply with the design standards in Section 4.6

Add a new section 4.6 "Drive-through Facility Standards" and renumber/re-letter subsequent sections accordingly:

4.6 Drive-through Facility Standards

A drive-through facility for any use shall be subject to the standards of this section. The standards shall apply to new drive-through facilities added to existing development and new development, including the relocation of a drive-through facility. Drive-through facilities provide services where the motorist generally waits in the car before and while the service is performed. A drive-through facility may not be permitted for a specific property if the standards in this section cannot be met given the site's size, dimensions, and/or location within the MLK TOD District.

4.6.1 Applicability

A drive through facility may be allowed as per Subsection 2.3.8 in conjunction with permitted or conditional uses as provided in Figure 2-2 of this Document.

4.6.2 Drive-Through Facility Components

Drive-through facilities consist of the following two components:

- A. Service areas are the locations where the service is performed. They include drive-up windows, indoor service areas such as car washes, and outdoor service areas such as gasoline pumps.
- B. Queuing driveways are used by vehicles to reach service areas and wait for service.

4.6.3 Driveway Entrances and Exits

- A. Curb-cut entrances for queuing driveways and exit driveways shall be consolidated with any other driveway entrances or exits on the site.
- B. Driveways shall:
 - 1. Comply with the driveway spacing standards in Section 5 of the Transportation Criteria Manual (TCM); and
 - 2. Not be subject to Section 3.5.4.C if no other feasible access alternative exists.

4.6.4 Queuing Driveway Configuration and Design

- A. A queuing driveway serving a drive-up window shall meet the following standards to provide appropriate vehicle queuing:
 - 1. A minimum length of 100 feet leading to the drive-up window for one lane and 60 feet per lane when more than one lane is provided;
 - 2. The calculation for driveway length required for queuing under .1 above shall not include any pedestrian crosswalks or sidewalks.
- B. A queuing driveway serving any type of service area shall meet the following standards:
 - 1. Driveway lanes shall be designed so that queuing vehicles do not interfere with other vehicle and pedestrian circulation on the site;
 - 2. Driveways shall not be located between a building and the principal street, or if a corner site, all adjacent roadway types; and
 - 3. All queuing lanes shall be clearly identified using striping, landscaping, and/or signs.

4.6.5 Drive-through Facility Service Area Location

Drive-through service areas shall be located as follows:

- A. Drive-up windows, indoor service areas, and outdoor service areas shall be located to the rear or side of a building.
- B. Indoor and outdoor service areas shall have a minimum setback of 30 feet from all roadway types.
- C. Where multiple street frontages are present, vehicle entrances and exits for indoor service areas shall not face the principal street.