



## Legislation Details (With Text)

**File #:** ORD. 2017-151      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 6/29/2017      **In control:** City Council

**On agenda:** 9/25/2017      **Final action:** 9/25/2017

**Title:** To amend the official zoning map for the purpose of rezoning certain properties along West Broad Street and Cutshaw Avenue between North Boulevard and I-195, within the Scott's Addition neighborhood, and along North Boulevard to conform their zoning to their proposed future land use as set forth in the Pulse Corridor Plan.

**Sponsors:** Mayor Stoney (By Request)

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord. No. 2017-151, 2. Staff Report, 3. Maps & Zoning Summary

Date	Ver.	Action By	Action	Result
9/25/2017	1	City Council	adopted	Pass
9/11/2017	1	City Council	continued	
9/5/2017	1	Planning Commission	recommended for approval	
7/24/2017	1	City Council	introduced and referred	

To amend the official zoning map for the purpose of rezoning certain properties along West Broad Street and Cutshaw Avenue between North Boulevard and I-195, within the Scott's Addition neighborhood, and along North Boulevard to conform their zoning to their proposed future land use as set forth in the Pulse Corridor Plan.

### O & R Request

**DATE:** June 29, 2017

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** Levar M. Stoney, Mayor (Patron: Mayor, by Request)  
(This in no way reflects a recommendation on behalf of the Mayor)

**THROUGH:** Selena Cuffee-Glenn, Chief Administrative Officer

**THROUGH:** Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review

**RE:** Request to amend the official zoning map for the purpose of rezoning certain properties along West Broad Street and Cutshaw Avenue between North Boulevard and I-195 and extending back into the Scott's Addition neighborhood and Boulevard area until the railroad right-of-way to match the future land use

envisioned in the Pulse Corridor Plan.

## **ORD. OR RES. No.**

**PURPOSE:** To amend the official zoning map for the purpose of rezoning certain properties along West Broad Street and Cutshaw Avenue, between North Boulevard and I-195, and extending back into the Scott's Addition neighborhood and Boulevard area to match the future land use envisioned in the Pulse Corridor Plan.

**REASON:** This would revise the City's official zoning map for the purpose of rezoning certain properties along West Broad Street between North Boulevard and I-195 and extending back into the Scott's Addition neighborhood. It would also rezone portions of N. Boulevard as along Cutshaw Avenue, matching the vision, future land use map, and recommendations identified in the recently-adopted Pulse Corridor Plan. At a broad level, it would replace outdated manufacturing and strip commercial zoning categories with transit-oriented nodal, corridor, and industrial mixed-use zoning. It will also provide transitional buffering to the Museum District neighborhood to the south of Cutshaw Avenue.

**RECOMMENDATION:** In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its August 21, 2017, meeting; or its September 5, 2017, meeting if the August meeting is canceled for the summer recess. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** These amendments arise out of the recommendations of the recently-adopted Pulse Corridor Plan, an analysis of the existing zoning ordinance and its application across the City, and an extensive public engagement process. The Planning Commission and City Council have reviewed a significant number of Special Use Permits throughout Scott's Addition over the last few years as redevelopment has proceeded as the zoning is out-of-date; the neighborhood and the Cleveland Station Area are the first priority for rezoning in the Pulse Corridor Plan.

### **Master Plan**

The area for this re-mapping is all part of the Cleveland Station Area in the Pulse Corridor Plan. Its land use vision is described as unifying "two vibrant, district, pedestrian-oriented neighborhoods by maximizing the potential of under-utilized parcels and supporting new forms of development that are walkable, dense, and mixed-use. Scott's Addition continues its evolution as a mixed-use neighborhood, and Broad Street transforms into a high quality urban avenue that is safe to cross while becoming a destination in its own right for residential, office, retail, and compatible entertainment uses" (50). Rezoning Scott's Addition to districts that align with the future land use map is the first recommendation for this study area (50).

The Pulse Corridor Plan sets out detailed descriptions of future land use across the Corridor on pages 30-31, with the Cleveland Station Area future land use map on page 51. The following are the future land use descriptions and where they are envisioned within the Cleveland Station Area:

Nodal mixed use is described in the Plan as a transit-oriented district located immediately adjacent to the Pulse BRT or other frequent transit service at key gateways and prominent places in the city in order to provide for significant, urban form development in appropriate locations. The description further continues that highly active street frontages and urban design features that encourage pedestrian activity are required, driveways are required to be off alleys wherever possible and that new driveways should be limited on priority street frontages, that there should be little to no setback of new development unless to create pedestrian-oriented

amenities, that surface parking should be prohibited as a principal use, that accessory surface parking should be located to the rear of buildings and screened by shade trees, and that parking requirements should be reduced to allow more market-based parking strategies, including shared parking. Buildings are described as of a high density, with typical development being at least 5 stories, with a wide mix of uses. One of the suggested zoning districts is to create a new district. Within the station area, Nodal Mixed Use is mapped from the intersection of Broad and Boulevard up the Boulevard to the edge of the study area, including Myers Street.

Significant nodes are described as key intersections throughout the Pulse Corridor where major roads intersect and the land uses around the node current generate a significant activity or have the potential to develop into land uses that create vibrant centers. The intersection of Broad and Boulevard is identified as a significant node.

Corridor mixed use is found along major, traditionally commercial corridors like Broad Street, and envisioned to provide medium-density pedestrian and transit-oriented infill development to fill “missing teeth” of the corridor fabric. New development should respond to unique site characteristics and opportunities for redevelopment, with active commercial uses required on principal street frontages. Any ground floor residential use should have street-oriented facades with setbacks, front yards, porches, and balconies where appropriate. Parking lots and areas are located to the rear of buildings and require screening, shared parking requirements are encouraged. Buildings should range from 2 to 10 stories with additional height where appropriate. A broad mix of uses are envisioned, with a new district being a suggested zoning district. West Broad Street from the significant node to I-195 is identified as corridor mixed use.

Industrial mixed use areas are traditionally industrial areas that are transitioning to mixed use due to their proximity to growing neighborhoods, but still retain industrial uses. New light industrial uses are compatible with residential and office uses; non-industrial use buildings should have street-oriented facades with windows and door openings along street frontages. New driveway entrances are prohibited on principal streets and minimal driveway entrances are allowed on secondary streets, with alley access preferred. The suggested zoning district is B-7 or a new district. The interior of Scott’s Addition is identified as industrial mixed use.

Transitional areas provide a gradual transition between intense commercial areas and primarily single-family residential areas. The scale and type of uses will vary in order to transition to the adjacent residential neighborhood, but buildings should have street-oriented facades. One of the suggested zoning districts is UB-2. Cutshaw Avenue is identified as a transitional area.

Priority streets are described as streets identified to be significant to a given property and the larger neighborhood, where buildings are required to face and engage with the street and new driveway entrances are prohibited in order to foster the pedestrian environment.

### **Existing and Proposed Zoning**

The majority of the proposed area for rezoning, stretching from the alley line between Broad Street and Marshall Street and extending back through the neighborhood including Boulevard and Myers Street, is currently in the M-1 light industrial district. M-1 allows for industrial uses including manufacturing, as well as for a variety of auto-oriented commercial uses including drive-thrus, auto sales, and auto service centers as well as adult entertainment, retail, office, and restaurants. Residential uses are not permitted. Commercial parking is based on use and square footage, with large amounts of parking required. There are very few form-based requirements in the existing zoning. Signage requirements are practically non-existent.

Broad Street itself is zoned B-3, a business district that allows for multi-family uses and a variety of auto-oriented commercial uses including drive-thrus, auto sales, and auto service centers as well as adult entertainment, retail, offices, and restaurants. Three properties on the North side of Broad Street have been

rezoned through a property-owner initiated process already, to two to the B-7 district and one to the B-5 mixed-use district.

Along Cutshaw Avenue, some properties are zoned B-3, some B-2, some RO-2, and others R-48.

The proposed zoning would map the proposed new district that is companion to this ordinance, TOD-1, along West Broad Street. On the south side of the street this would extend only the alley line; on the North side of the street it would extend to West Marshall Street, and back to the alley between Clay and Leigh at Roseneath Road. At Altamont, the Boulevard TOD-1 nodal area would begin and extend up Boulevard inclusive of Myers Street. W. Broad Street and N. Boulevard are identified as street-oriented commercial streets as well as priority streets. This encompasses the significant node, nodal mixed-use, and corridor mixed-use area envisioned in the future land use map.

The interior of the Scott's Addition neighborhood, as bordered by these TOD-1 areas, is proposed to be rezoned to B-7 as industrial mixed-use areas, inclusive of the text amendments proposed in the district as a companion to this ordinance. Roseneath, Moore Street, Leigh Street east of Boulevard, Summit Avenue, and Cutshaw Avenue are proposed as priority streets. W. Broad Street and N. Boulevard are also priority streets as street-oriented commercial streets. Additionally, two blocks of N. Thompson Street and one of Cleveland Street heading south are mapped as priority streets.

Along Cutshaw Avenue, properties are moved into the UB-2 district. This would allow for Cutshaw to continue to be a commercial corridor, but with a more pedestrian-oriented form than currently envisioned. UB-2 is identified as a transitional district in the Pulse Corridor Plan.

A set of existing row houses with a north-south orientation at Cleveland Street are moved in to the R-6 district that is the rest of the Museum District. Similarly, within Scott's Addition, two blocks of row houses are moved into the R-7 district. This attempts to protect the existing single-family use of these properties.

A series of maps showing the master plan land use, existing zoning, the proposed zoning following this map change, and a chart detailing the characteristics of the existing and proposed zoning district is attached to this report.

### **Public Engagement**

As the Pulse Corridor Plan was developed over the course of 2015-2017, City staff held numerous public forums, set up online surveys, attended standing civic association meetings, and tracked public feedback. Additionally, City staff attended the meetings of the two civic associations in the proposed rezoning area, the Scott's Addition Boulevard Association and the Museum District Association, repeatedly over a series of months, including their zoning committees and board meetings, in order to go over drafts of the proposed rezoning in detail and address questions. Once the Pulse Corridor Plan was adopted, City staff conducted a mailing to every proposed property owner in the rezoning area with information about the proposal as well as notice of two open houses held on May 24 and June 7. Over 80 people attended one of the two open houses. Staff has also maintained a website about the draft rezoning, which is updated as the proposal is amended or advanced, as well as an email list of all open house participants who have received regular updates.

**FISCAL IMPACT / COST:** The Department of Planning and Development Review anticipates that impact to the City's budget will be positive. Implementation of the Pulse Corridor Plan and programs established to implement the Plan will ultimately achieve the \$1 billion increase in new assessed value over the next twenty years as identified in this Plan.

**FISCAL IMPLICATIONS:** The Department Planning and Development Review does not anticipate any

fiscal implications from this proposal.

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** None

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** July 24, 2017

**CITY COUNCIL PUBLIC HEARING DATE:** September 11, 2017

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, August 21, 2017 or September 5, 2017

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance, Map of Proposed Zoning, Map of Existing Zoning, Chart of Zoning Districts

**STAFF:** Kathleen Onufer, Executive Staff Assistant (Room 511)  
646-5207

**Key Issues:**

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

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