

601 CENTRAL AVE NE
+
501 CENTRAL AVE NE
RESPONSE TO SKETCH PLAT
COMMENTS

Integrated Design & Architecture
Meeting Date: March 20, 2024

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Major vs. Minor Preliminary Final Plat - 601 Central

Sketch Plat Comments: “It appears the existing property lines along Central and Walter encroach on the public sidewalk. ROW dedication will be required to ensure sidewalks are completely in City ROW.”

Discussion: Previous discussion (3/6/24): It was discussed that the ROW dedication would be done through either a Minor or Major Preliminary Final Plat. It was stated that minor would be for items such as sidewalks, but since we are adding angled parking on the street, it may be considered Major.”

Question/Response: We need clarification as to which type of Plat we would need to complete. The IDO lists it as either a Preliminary Plat or a Final Plat. It seems as though we would complete the Preliminary Plat first, then the Final Plat; please advise. We also need to know whether this will be Minor or Major.

Please, clarify the meaning of “ROW dedication”. Would the portion of the property that overlaps the public-access be given to the city or would a public-access easement be placed there so that the property line stays where it is at?

HPO-1 & CPO-4

Section: 14-16-3-5(G)

Passage: “Applicability The HPO-1 standards and guidelines apply to all buildings that have been identified as significant and contributing to the relevant historic era and City landmarks listed in the Huning Highland National District on the National Register of Historic Places within the following mapped area. For City landmarks, the Landmark Guidelines shall prevail over these standards and guidelines. Construction of new structures within the HPO-1 shall comply with the standards in Subsection 14-16-3-4(E) (East Downtown – CPO-4).”

Sketch Plat Comment: “HPO-1 requires that the building does not exceed the height of neighboring buildings a variance may be required one LUC determines the eligible height of the surrounding buildings.” “HPO-1 will require LUC approval prior to permitting.” “Clarification from Historic Planning and/or LC-Landmarks Commission will be needed”

Discussion: Previous discussion (3/6/24): IDA stated they do not think either site has to follow HPO-1 standards, such as height, because they properties are new developments. New developments next to the HPO-1 zone follow standards of CPO-4 overlay. The city requested we get written clarification that we are not required to follow HPO-1 standards.

Question/Response: According to HPO-1 Overlay Applicability, new construction in the HPO-1 shall comply with standards in CPO-4 standards. HPO-1 standards only apply to existing buildings that are identified as significant, contributing, or listed on the National Register. No, our sites are not to follow HPO-1 standards and height is therefore not registered to that of neighboring buildings. On 3/11/24 IDA spoke with Leslie Naji, Preservation Planner in the Planning department. She confirmed that both properties do not follow the restrictions of HPO-1, but must follow CPO-4. She also stated that approval from the Landmark Commission was not necessary.

Attachments: “14-16-3-5(G) East Downtown - HPO-1_Applicability”, “Email Regarding HPO-1”

Deviations

Section: 14-16-3-1(D) & 14-16-6-4

Passage: “Deviations from Overlay zone standards are not allowed pursuant to Subsection 14-16-6- 4(O)(3)(e).” & “The requested deviation is not for an Overlay zone standard, and the approval of any requested deviation will not result in a violation of any Overlay zone standard.”

Sketch Plat Comment: “This lot is contained in CPO-4 and HPO-1 Deviations are not allowed.”

“Any numerical standard that cannot be met would require either ZHE variance or a DHO waiver. Those would be the only two options for exceptions. Deviations to standards within an overlay zone at not allowed.”

Discussion: Previous discussion (3/6/24): none.

Question/Response: Section 3-1(D) states Deviations are not allowed for Overlay zone standards, but it does not say Deviations of any kind are not allowed if you are in an Overlay zone. Therefore deviations should be allowed for numerical standards regulated elsewhere in the IDO. This is justified by Subsection 14-16-6-4(O)(3)(e). Deviations not allowed should only be CPO-4 specific standards which include setbacks, height limitations, parking lot setbacks, facade and street wall numerical standards. So although we cannot use the height deviation as our previous drawings mentioned we can still use the parking space deviation which allows us to ask for a smaller variance because the deviation would account for some of the deficit already.

Attachments: “14-16-3-1(D) Overlay Zones Established”, “14-16-6- 4(O)(3)(e) Deviations”

Building Height / Neighborhood Edge

Section: 14-16-3-4(E)(5)(a) & 14-16-5-9(C)

Passage: “Any portion of a building within 35 feet in any direction of an R-1 or R-T zone district shall be limited to 30 feet, in which case Neighborhood Edge provisions for building height in Subsection 14-16-5-9(C) do not apply.” and “On Regulated Lots in UC-MS-PT areas, any portion of a primary or accessory building within 50 feet in any direction of any lot line of a Protected Lot shall step down to a maximum height of 30 feet.”

Sketch Plat Comment: “Requirements in section 5-9 in the IDo, neighborhood edges, would apply. Property is abutting R-1 to the north. Development within 50ft of a protected lot is limited to 30ft.”

Discussion: Previous discussion (3/6/24): IDA referenced 14-16-3-4(E)(5)(a) in correction to the comment that building height must step down to 30 ft. within 50 ft. of R-1. Conchetta agreed to look into this and confirm whether or not step down height was limited to 30 ft. within 35 ft. or 50 ft. of the building.

Question/Response: It is clear from 14-16-3-4(E)(5)(a) that our building height should only be restricted to 30 ft. within 35 ft. of R-1 because Neighborhood Edge provisions of height do not apply. We would like Cochetta to still confirm and amend the comment.

Attachments: “14-16-3-4(E)(5)(a) Building Height Stepdown”, “14-16-5-9(C)(2) Building Height Stepdown”

Reference: 601 Drawing Package Sheet 9 of 9

Building Height Calculation

Section: 7-1 Definitions: Building Height

Passage: “The vertical distance above the average finished grade, unless specified otherwise in this IDO, at each façade of the building, considered separately, to the top of the coping or parapet on a flat roof, whichever is higher; to the deck line of a mansard roof; or to the average height between the plate and the ridge of a hip, gable, shed, or gambrel roof. On a stepped or sloped project site, the maximum height is to be measured above average finished grade of any distinct segment of the building that constitutes at least 10 percent of the gross floor area of the building, unless specified otherwise in this IDO. See also Building, Building Height Bonus, Finished Grade, and Measurement Definitions for Grade and Ground Floor Clear Height.”

Discussion: Previous discussion (3/6/24): Cochetta discussed that the height of the building should be an average of two points. IDA mentioned they were looking at the height from the tallest portion of the building in terms of determining how much of a height variance they would need.

Question/Response: It is unclear to us what should be our “averaged finished grade” and what distinct segment of the building to take the height from when we go to ask for variance for height beyond the maximum 55 ft. What is considered a sloped site? Our site has a grade change of approximately 4 ft. along Central and 6 ft. along the north property edge running east to west. The site also slopes down from north to south. What is meant by “distinct segment”? We have two segments of the building because it is L-Shaped. Do we pick either since both would constitute 10% of the gross floor area? Is the average finished grade based on the entire site or just along the length of the facade of the “distinct segment”?

Attachments: “14-16-7-1 Definitions_Building Height”

Reference: 601 Drawing Package Sheet 3 of 9 + 501 Drawing Package Sheet 3 of 8

Solar Access

Section: 14-16-5-10

Definition: Solar Access

None provided in 14-16-7-1 of IDO.

Sketch Plat Comment: “Address required Solar Access for the Dwelling to the north.”

Discussion: Previous discussion (3/6/24) questioned in what way Section 14-16-5-10 was applicable to an MX-L zone located next to an R-1B zone as the table provided in 5-10-1 listed height restrictions for Residential Zoned developments located next to other Residential Zone developments. IDA asked for further clarifications on what Solar Access requirements an MX-L zone should follow and was told State requirements. IDA mentioned that all multistory buildings downtown located next to residential properties would be non-compliant if they were to abide by the table in 14-16-5-10. Conchetta was to look for further clarification on this requirement as it relates to building height restriction.

Question/Response: State Property Law for Solar Access regulates the property right to solar energy for solar collectors. Solar access is regulated by the “beneficial use” which may vary throughout the year in which case solar right varies. A Property Owner may only file for a solar right once they have installed solar collectors on their property. Once a solar access right is claimed, it can be transferred or sold. Therefore, if the property owners to the north were to install and claim a solar rights access then our property owner could either file a declaration contesting the right or purchase the solar access right from the neighboring property owner. Until such action is taken, we will design without limiting building height. If/ When such an action is taken, a solar study to determine if the “beneficial use” of solar right is affected by our building can be done. In addition, the Solar Access right can restrict adjacent property owners from planting trees that would block solar access, yet the IDO requires a line of trees as a buffer between an R-1 and MX-L which could block solar access.

Attachments: “Ch 47 Property Law_Article 3_Solar Access”, “14-16-5-10 Solar Access”

Usable Open Space

Section: 14-16-7-2 Definitions

Definition: Usable Open Space

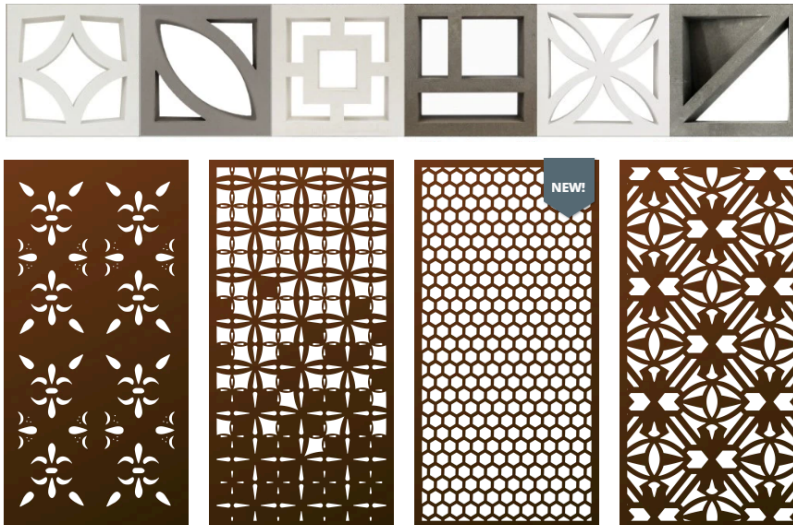
“Outdoor space to be preserved on-site and managed privately to help ensure livable conditions on each site by providing light and air and meeting visual, psychological, and recreational needs. These areas can be used for a variety of purposes and are not required to be at ground level. Usable open space may include, but is not limited to, lawns; community gardens; decorative and native plantings; open balconies; rooftop decks; plazas; courtyards; **covered patios open on at least 2 sides**; pedestrian walkways; landscaped medians, buffers, or setbacks; active and passive recreational areas; fountains; swimming pools; wooded areas; and water courses. Such space shall be available for entry and use by users of the development. Required drainage facilities or land within an easement for overhead utilities that are not landscaped shall not count toward required usable open space. Usable open space does not include public right-of-way, private ways, parking lots, off-street parking, driveways, drive aisles, other private vehicular surfaces, or buildings other than swimming pool rooms.”

Sketch Plat Comment: None; this was a verbal conversation outside of provided comments.

Discussion: Previous discussion (3/6/24) questioned whether or not “usable open space” must be open to the sky? IDA did not interpret the IDO definition to include an open to the sky requirement because the definition mentioned covered patios.

Question/Response: We are assuming our patio will be considered a “Covered Patio” per *Usable Open Space* definition. This patio will be open on two sides with a security screen along the side that is open to Central to keep the site secure, as the patio will be for tenant use only. This screen will provide visual, light, and air to pass through, meaning the patio will still be open on two sides. See below for examples of what this screen could look like.

Attachments: “14-16-7-1 Definitions_Usable Open Space”



Reference: 601 Drawing Package Sheet 9 of 9 + 501 Drawing Package Sheet 8 of 8

Open Space Calculations - 601 Central

Required Open Space

Section / Table: Table 5-1-2 Mixed-Use & 4-3(B)(8)(b)

Efficiency or 1 BR = 225 sq.ft./unit

UC-MS-PT = 50% Reduction

$68 \times 225 = 15,300$ sq.ft.

$15,300 / 2 = 7,650$ sq.ft.

8 x 1 tree / Ground Floor Unit = 8 Trees

Provided Open Space

Site: 5,147 sq.ft.

Covered Patio: 2,141 sq.ft.

Rooftop: 0 sq.ft. (362 sq.ft. needed (2,505 sq.ft. available))

Total: 7,288 sq.ft.

Variance Needed = 362 sq.ft. (5 sq.ft. / unit)

Reference: 601 Drawing Package Sheet 6 of 9

Open Space Calculations - 501 Central

Required Open Space

Section / Table: Table 5-1-2 Mixed-Use & 4-3(B)(8)(b)

Efficiency or 1 BR = 225 sq.ft./unit

UC-MS-PT = 50% Reduction

$44 \times 225 = 9,900$ sq.ft.

$9,900 / 2 = 4,950$ sq.ft.

Provided Open Space

Site: 1,955 sq.ft.

Covered Patio: 2,056 sq.ft.

Rooftop: 0 sq.ft. (939 sq.ft. needed (3,067 sq.ft. available))

Total: 4,011 sq.ft.

Variance Needed = 939 sq.ft. (21 sq.ft. / unit)

Reference: 501 Drawing Package Sheet 6 of 8

Edge Buffer

** Referenced for 501 Central only

Section: 14-16-5-6(E)

Passage: 5-6(E)(2)(b)(1) “A landscaped edge buffer area at least 6 feet wide shall be provided. For buildings over 30 feet in height, the edge buffer area shall be at least 10 feet wide.”

5-6(E)(2)(b)(2) “An opaque wall, fence, or vegetative screen at least 6 feet tall shall be provided at the property line between the two properties...”

Table 5-6-4: Edge Buffer - Development Type Summary “Development Type: Multi-family” - “Development Next to: R-1 or R-ML” - Buffering in DT-UC-MS-PT: Wall, fence, or vegetative screen \geq 6 ft.”

** Table 5-6-5: Edge Buffer - Development Area Summary “Lot in Area of Change Next to: Area of Consistency in Mixed-use, NR-C, or NR-PO” - “Buffering in DT-UC-MS-PT: Wall, fence, or vegetative screen \geq 6 ft.”

** 5-6(E)(5)(c) “If the lot in the Area of Consistency is in any Mixed-use, NR-C, or NR-PO zone district, the requirements of Subsections 14-16-5-6(E)(1) and 14-16-5-6(E)(4) shall apply.

Sketch Plat Comments: “There are several different sections in the IDO for landscaping requirements. There are two different edge buffer requirements from two sections would apply. Multi-family next to R-1 or Area of Change next to Area of Consistency. Both of those call out a 15ft landscape buffer and a wall, fence, or vegetive screen. A physical wall/fence is an option, but the vegetive screen is not. This would be required on the northern part of the property or rear property line. However, 5-6-E-2-b does provide a concession to those standards. All areas of 5-6-E-2-b would be required.”

Discussion: Previous discussion (3/6/24): IDA asked why a vegetative screen was not an option when the code says wall, fence, or vegetative screen in Section 5-6. Response was unclear to us if vegetative screen was allowed or not.

Question/Response: **As per Table 5-6-5, 501 Central is a lot in an Area of Change Next to An Area of Consistency in Mixed-use. We follow Buffering in MS-PT zone, which is a “wall, fence, or vegetative screen \geq 6 ft.” The table also references 14-16-5-6(E)(4), which has similar requirements, see below for more explanation.

As per Table 5-6-4, both sites are a Multi-family development type next to a R-1 or R-ML zone district. The table references 14-16-5-6(E)(2), and we follow 5-6(E)(2)(b) due to MS-PT zone. **For 501 Central, this is only for a small portion in the northeast corner of the site.

Referring to the Sketch Plat comments, why is a vegetative screen not an option? Section 5-6(E)(2)(b)(1), states that an “opaque wall, fence, or vegetative screen” shall be provided? Is there another section of code that overrides this?

Referring to the comment on the 15 ft landscape buffer, both sites are in the DT-UC-MS-PT zone which only requires a 6 ft or 10 ft wide landscaped edge buffer, as per 5-6(E)(2)(b)(1).

In Section 5-6(E)(2)(b)(1), does the distance of our building from the Residential zone property affect the requirement for the 10 ft vs. 6 ft buffer for buildings over 30 ft tall? Please clarify, since our building is pushed back far enough away from the R-1 property so that we do not have to worry about stepping down the height to 30 ft (as required by Section 5-9(C)(2)). We are not putting our building within 10 ft of the R-1 property, so should the landscape buffer be 10 ft?

Note: Not related to this project, but why does the Mixed-Use Development next to R-ML have different requirements in Section 5-6(E)(2) vs. 5-6(E)(3)?

Attachments: "14-16-5-6 Edge Buffering"

Neighborhood Edges - Parking Lot Buffer

Section: 14-16-3-4(E)(6)(a), 14-16-5-9(D)(1)(b), 14-16-5-6(E)(2)(b)

Passage:

- Parking Lot Location & Design “A minimum of 5 feet from the rear lot line.”
- Neighborhood Edges Parking “Parking areas shall be separated from any abutting Protected Lot by a minimum of 15 feet, and edge buffer requirements in Subsection 14-16-5-6(E) apply.”
- Development Next to Low-Density Residential UC-MS-PT “A landscaped edge buffer area at least 6 feet wide shall be provided. For buildings over 30 feet in height, the edge buffer area shall be at least 10 feet wide.”

Sketch Plat Comments: “Requirements in section 5-9 in the IDO, Neighborhood edges, would apply. Property is abutting R-1 to the north.” . . . “In addition, any parking or circulation area that is abutting a protected lot requires a 6ft opaque wall or fence.”

Discussion: Previous discussion (3/6/24):

Question/Response: Building Height Stepdown requirements in Section 5-9 would not apply to either site because the CPO-4 overlay Building Height Stepdown overrides the requirements of 5-9. The parking lot would require a 15 ft. landscape buffer between the R-1 to the north of 601. We will need to request a variance to reduce this requirement so that our parking lot fits on the site.

Attachments: “14-16-5-9 Neighborhood Edges_Parking Lot Buffer”

Reference: 601 Drawing Package Sheet 8 of 9 + Sheet 9 of 9

Parking Calculation - 601 Central

Required Parking

Section / Table: Table 5-5-1

Required Parking: 68 Units x 1 Space / Dwelling Unit (UC-MS-PT) = 68 Parking Spaces

Parking Reductions:

Section / Table: 5-5(C)(5)(c)(1) & 5-5(C)(5)(c)(2)

Site is located next to EDO Transit Station which services every 8-15 minutes.

$$68 \times .30 = 20.4 = 21$$

$$68 \times .10 = 6.8 = 7$$

$$\text{Total Reduction} = 21 + 7 = 28$$

$$\text{Deviation: } 68 \times 0.05 = 3.4 = 4$$

$$\text{Required Parking} = 68 - 28 = 40 \text{ Spaces}$$

$$\text{Required Parking if Deviation is allowed} = 40 - 4 = 36 \text{ Spaces}$$

Provided Parking

33 Spaces Total (5 Accessible, 28 Standard)

Variance Needed = 7 Spaces

Variance Needed if Deviation Allowed = 3 Spaces

Motorcycle Parking

Required: 26-50 Required Off-Street Parking Spaces = 2 Motorcycle Spaces

Provided: 2 Motorcycle Spaces

Bicycle Parking

Required IDO: 40 Spaces x .10 = 4 Bicycle Parking Spaces

Required IDO if Deviation is Allowed = 36 Spaces x .10 = 3 Bicycle Parking Spaces

Required MFA: 68 Units x 0.5 Racks / Unit = 34 Bicycle Parking Spaces

Provided: 34 Bicycle Parking Spaces

Reference: 601 Drawing Package Sheet 2 of 9

Parking Calculation - 501 Central

Required Parking

Section / Table: Table 5-5-1

Required Parking: 44 Units x 1 Space / Dwelling Unit (UC-MS-PT) = 44 Parking Spaces

Parking Reductions:

Section / Table: 5-5(C)(5)(c)(1) & 5-5(C)(5)(c)(2)

Site is located within 330 ft to EDO Transit Station which services every 8-15 minutes.

$$44 \times .30 = 13.2 = 14$$

$$44 \times .10 = 4.4 = 5$$

$$\text{Total Reduction} = 14 + 5 = 19$$

$$\text{Deviation: } 44 \times 0.05 = 2.2 = 3$$

$$\text{Required Parking} = 44 - 19 = 25 \text{ Spaces}$$

$$\text{Required Parking if Deviation is allowed} = 25 - 3 = 22 \text{ Spaces}$$

Provided Parking

20 Spaces Total (3 Accessible, 11 Standard, 6 Compact)

Variance Needed = 5 Spaces

Variance Needed if Deviation Allowed = 2 Spaces

Motorcycle Parking

Required: 1-25 Required Off-Street Parking Spaces = 1 Motorcycle Spaces

Provided: 1 Motorcycle Spaces

Bicycle Parking

Required IDO: 25 Spaces x .10 = 3 Bicycle Parking Spaces

Required IDO if Deviation Allowed = 22 x .10 = 2 Bicycle Parking Spaces

Required MFA: 44 Units x 0.5 Racks / Unit = 22 Bicycle Parking Spaces

Provided: 22 Bicycle Parking Spaces

Reference: 501 Drawing Package Sheet 2 of 8

Vacation of Alley - 501 Central

Sketch Plat Comments: “As part of the Infrastructure List, the alley will need to be brought up to City Code.” “The alley will need to be paved to City Standards as it appears you will be taking access off it. Also ROW dedication will be required at the property corner of the alley and Central will need a

Discussion: Previous discussion (3/6/24): It was mentioned that we could not locate trash in the alley at 501, because the barrier does not necessarily mean that the alley is currently vacated. It was stated that this would be allowed if the alley was vacated. We mentioned that this is a process we were planning to proceed with. There was also a brief comment made about bringing the alley up to “City Code”, since we are planning to use the alley for site access/exit.

Question/Response: We would like further clarification as to what the process is for vacating the alley. Is this done through a replat, if so what is the process for a replat? Also, must the entire alley be vacated through to the next cross street or can it just be a portion of the alley, for example can we just vacate from Central to where the existing barrier was placed?

Regarding the comment about the alley needing improvements because we are taking access off it, we are assuming the improvements will need to be done only for the portion of the alley that will be used to access/exit our site. Where can we find the City Code/Standards for improving the alley?

Clear Sight Triangle

Section: 5-1(D)(2)(b)(1)

Passage: “A minimum of 50 percent of front property line width must be occupied by the primary building, outdoor seating and gathering area, or outdoor dining area constructed within 15 ft. of the property line. 1. On a corner lot, the required minimum of 50 percent must begin at the corner.”

Sketch Plat Comments: None. This was a verbal mention of adding sight triangles to the site plan. There were comments about 50% of the building being along the property line starting at the corner and staying within the maximum 1 ft. setback: “This is located in the PT (Premium Transit) and MS (Main Street) area Building must start at the corner and be no more than 1 ft from the front property line as per the setbacks in CPO-4 14-16-3-4(E) and no more than 15 ft from the corner side yard.”

Discussion: Previous discussion (3/6/24): City mentioned we should show clear sight triangles on the site plan.

Question/Response: IDA has added clear sight triangles to the drawings, see reference below.

On the 501 site, the building cuts into the clear sight triangle. We are unsure how to address this as the building is only allowed a maximum 1 ft. setback from property line per CPO-4 setbacks, and according to previous comments from the City the building must start on the corner of the site. We would argue that the “building” does not need to start at the corner of the site since Section 5-1(D)(2)(b) states the building, outdoor seating, or gathering. Please provide thoughts on how we can comply with these items while also still meeting the clear sight triangle.

On the 601 site, the required trees along Central Avenue are in conflict with the clear sight triangle requirements. What requirement prevails?

Reference: 601 Drawing Package Sheet 7 of 9 + 501 Drawing Package Sheet 7 of 8

Street Sidewalks & Landscape Buffers

Sketch Plat Comments: “Central is a Main Street Corridor and requires 10’ to 12’ sidewalks with 6’ to 8’ landscape buffer. Walter is a local road and requires 5’ sidewalk with 4’ to 6’ landscape buffer.”

Discussion: Previous discussion (3/6/24): Ernest mentioned that he understands that the landscape buffer and sidewalk width may not fit on the site and that they are open to waiving that requirement. IDA mentioned that none of the other nearby sites seem to have a landscape buffer and neither does the new hotel that was just built in the last few years on Central.

Question/Response: IDA has put together a diagram for both sites that shows how the required DPM sidewalk and landscape buffer width, if provided, would cut into the building making us lose necessary square footage. We would like to confirm that we can go after a waiver with the transportation department and that it is not a variance through planning?

Reference: 601 Drawing Package Sheet 7 of 9 + 501 Drawing Package Sheet 7 of 8