

STAFF REPORT

DOCKET # UDO-282

STAFF: [Kirk Ericson](#)

REQUEST

This text amendment (UDO-282) is proposed by Planning and Development Services staff to amend Chapter B of the *Unified Development Ordinances* (UDO) to add alternative compliance provisions for the Martin Luther King Overlay (MLKO) District.

BACKGROUND

The Martin Luther King Overlay District was adopted by City Council in 2011 for lots adjacent to Martin Luther King, Jr. Drive between Cleveland Avenue and Business 40. The overlay was proposed by the S.G. Atkins CDC as a tool for improving the appearance and functionality of new buildings along the corridor through the use of basic form-based standards.

The MLKO district requires new development to demonstrate a pedestrian-oriented urban form, with street setbacks of between five and ten feet. The ordinance also requires no less than fifty percent of ground floor street-facing facades to consist of transparent windows and doors, and include one building entrance per hundred feet of building street frontage. Additionally, the overlay includes standards limiting sign size and requiring parking along the corridor to be screened from street view.

Based on community input received by the CDC while creating the MLKO standards, staff believed the ordinance standards promoted urban design along the corridor while still accommodating flexibility for the unique design requirements of different land uses. However, staff has recently reviewed a couple of development proposals along the corridor which have had challenges meeting the MLKO standards due to their use of drive-throughs. A minor ordinance amendment to allow alternative compliance for such development could allow greater flexibility for such land uses (e.g. drive-through restaurants and banks) while still promoting the desired district character.

ANALYSIS

The MLKO District does not currently include any alternative compliance provisions for allowing sites in the district to adapt to unique or unforeseen situations. However, such a provision has existed since 2010 in the Winston Overlay (WO) District, which is the other form-based zoning overlay district currently in the UDO. Petitioners have used the alternative compliance provisions of the WO ordinance a couple of times to propose development which meets the intent but not the specific requirements of the overlay district.

Staff proposes adopting language based on the WO District alternative compliance provisions for the MLKO district. Specifically, the proposed amendment would allow alternative compliance to be granted by the Planning Board for development which has practical difficulties in meeting the specific requirements of the MLKO district. Such development could include public, institutional, or assembly uses such as churches and theaters, and uses which have vehicle drive-through or stacking lanes located between the street and the street-facing building façade which

have design characteristics that prevent that development from meeting specific district requirements, but which still complement the district's urban form.

The amendment also includes a provision which would allow applicants to appeal alternative compliance decisions of the Planning Board to the City Council.

Staff believes the proposed amendment will make it easier to accommodate diverse land uses along the Martin Luther King, Jr. Drive corridor while still promoting the urban character desired by community leaders and stakeholders.

RECOMMENDATION

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-282
SEPTEMBER 14, 2017**

Aaron King presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following point was made:

Staff communicated with the S.G. Atkins CDC early on in this process. There has been no objection.

MOTION: Clarence Lambe moved approval of the amendment.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Arnold King,
Clarence Lambe, Chris Leak, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services