

**Zoning Board of Appeals
July 24, 2024, Regular Meeting**

STAFF REPORT

Subject: ZBA 24-0023; 2845 South State Street

Summary:

Tom Covert of Midwestern Consulting is seeking four variances from Table 5.17-8 Transit Corridor Additional Standards. The property is being redeveloped for a new mixed-use development at the northeast corner of State Street and Eisenhower Parkway. The property is zoned TC1, Transit Corridor District.

1. A variance from the Building Dimensions standard (the building width parallel to the street may not exceed 250 feet and the building maximum diagonal dimension may not exceed 360 feet) is requested for Building A1.
2. A variance from the Building Frontage standard (the minimum building frontage shall be 70% of the lot width ... applied to each block if the site is divided into smaller blocks as required) is requested for Building A1.
3. A variance from the Building Dimensions standard is requested for Building C2.
4. A variance from the Building Frontage standard is requested for Building D1.

Background:

The TC1 Transit Corridor district was adopted into the Unified Development Code in 2022. It is intended along existing transit corridors to facilitate, encourage, and support redevelopment and infill development to realize mixed-use developments and achieve densities that support and sustain transit service as well as encourage housing and more sustainable forms of development.

Development in the TC1 district is subject to the normal development standards provided in the UDC as well as additional standards provided in Table 5.17-8 of Section 5.17.7. These additional standards address building massing and design features to ensure new buildings in the TC1 district achieve the district's intent for higher density and more pedestrian-friendly designs. New buildings must have smaller footprints but be taller and located closer to public sidewalks and better access to nonmotorized transportation than permitted in other zoning districts.

To date, there are several projects in the conceptual phase and one site plan, the subject project, has been submitted for review and approval in the TC1 district. A petition to amend three components of Table 5.17-8 as well as the use specific standard for parking structures in Section 5.16.3.L. and Section 5.5.37.2 Specific Terms, are also being considered by the City Planning Commission. The three components of Table 5.17-8 requested to be amended include: Curb Cut Limits, Building Frontage, and Building Dimensions.

The subject property located at the northeast corner of South State Street and East

Eisenhower Parkway is a proposed site plan project to construct 15 new buildings in a downtown-style development around two existing buildings at 777 and 789 E Eisenhower. New buildings include a 150-room hotel building, eight apartment buildings with a total of 229 affordable and 839 market-rate units, three restaurant buildings, and three parking structures with a total of 2,476 vehicle parking spaces. Development includes 93,500 square feet of ground floor commercial space. Site includes six parcels, 777 and 789 E Eisenhower, 2803, 2845, and 2991 S State St, and 2800 Boardwalk. Construction is planned in six phases.

When complete, this new neighborhood will include a vibrant mix of services: housing, offices, retail, restaurants, entertainment, hospitality, and other amenities that serve all age groups, income levels, household types, ability levels, and cultures. The open spaces created within will become the heart of this new neighborhood, programmed seasonally with events like farmer's markets, tailgates, and music series to celebrate the community and will be open to all. Existing streetscapes will be enhanced with new landscaping, and a new internal street network will be developed with sidewalks, landscaping, and on-street parking. The 777 and 789 buildings will remain and be incorporated into the project.

Description:

Variance #1 is being requested for Building A1 to allow the proposed building to exceed the maximum allowable length of 250 feet by 26 feet. The second variance (Variance #2) also associated with Building A1 would allow the building to have a frontage of 52% of the block, which does not meet the required 70%. The proposed building is approximately 21 feet less than the required length to meet the 70% block length requirement along East Eisenhower.

Variance #3 if granted would allow Building C2 to exceed the maximum building length of 250 feet by 44 feet. The proposed building is to be constructed at a length of 294 feet along Boardwalk Drive.

Variance #4 being requested would provide relief to Building D1 to have a building frontage of 49% or 21% less than the required 70%. The overall building length proposed is 117 feet in length or 50 feet less than what would be required to meet the 70% dimension along Boardwalk Drive.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, Application of the Variance Power from the Unified Development Code (UDC). The following criteria shall apply:

- (a). That the practical difficulties are exceptional and peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the City.***

Applicant response: “TC1 is a relatively new zoning classification in the city. To date, no other redevelopment projects of this scale have been proposed in a TC1 district. Similarly, when the TC1 requirements were developed, it is unlikely that anyone imagined that they would apply to an assemblage of parcels over 23 acres in size. The proportionality of the property and overall development are unique features within the TC1 zoning district and provide practical difficulty in the strict application of the TC1 requirements. In addition, the proposed project is utilizing existing access drives and maintaining existing buildings, utilities, and storm water facilities. Working with the existing infrastructure on site provides additional challenges that may not exist if the site was of typical urban parcel size and configuration, vacant, or being demolished and rebuilt.”

- (b). ***That the practical difficulties will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

Applicant response: “**BUILDING FRONTAGE – A1 EISENHOWER:** The size of the proposed building has been reduced to provide space for a pocket park/open space area near the intersection of State Street and Eisenhower Parkway. Balancing the existing condition of the four corners of the State and Eisenhower intersection (open corners), with the TC1 desire to front buildings along the public transit corridor. The clearance at the northeast intersection of State and Eisenhower provides a clear vision for both vehicular and pedestrian travelers as an enhancement of public safety.

BUILDING FRONTAGE – D1 BOARDWALK: The variance request, if granted, would allow for inclusion of a courtyard space to provide additional pedestrian areas, and enhance the outdoor space immediately adjacent to this residential building.

BUILDING WIDTH – A1 STATE, C2 BOARDWALK: The variance requests regarding the building width are largely driven by the location of existing buildings, existing public utility infrastructure, and existing access drives. Failure to grant the requested variances would likely cause more disruption to the existing buildings, existing utility infrastructure, and existing access drives, impacting the amount of existing infrastructure that is being preserved.”

- (c). ***That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.***

Applicant response: “The proposed Arbor South project will bring over 1,000 residential units to the city, including 209 affordable units. One hundred percent

of these units are expected to be fully electrified. Additionally, over 93,000 sf of commercial space and 10,000 sf of restaurant space are anticipated. The proposed mixed-use redevelopment project will greatly enhance the community by providing more housing choices, more sustainable forms of development, pedestrian-friendly designs, and greater density to support and sustain existing transit services along this corridor.”

- (d). That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.**

Applicant response: “BUILDING FRONTAGE – A1 EISENHOWER: The intersection of State Street and Eisenhower Parkway is currently defined by open space areas at the northwest, southwest, and southeast corners. A pocket park or pedestrian plaza area is proposed as part of this project at the northeast corner of the intersection of State Street and Eisenhower Parkway to mimic the open space areas around the rest of the intersection and to create an entrance feature to the development and a gateway into the city. This open space area impacts the ability to provide the minimum building frontage along Eisenhower Parkway.

BUILDING FRONTAGE – D1 BOARDWALK: The grades around Building D1 create difficulties with rotating the building to relocate the courtyard and provide a continuous building wall along the Boardwalk Drive frontage. With the shorter separated ends, we can drop the elevation to relate to the street frontage.

BUILDING WIDTH – A1 STATE: The block length along State Street for Building A1 is largely set by the distance between the existing access drive and the intersection at State Street and Eisenhower Parkway. Additional curb cuts, which might be used to reduce the existing block length on State Street, are not permitted. To meet the minimum frontage requirement of 70% along State Street, the building width must be greater than 250 feet.

BUILDING WIDTH – C2 BOARDWALK: Building C2 is located on an existing block that is established by the existing access drives north and south of the proposed building. Additional curb cuts, which might be used to reduce the existing block length on Boardwalk Drive, are not permitted. The building has been designed to meet the minimum frontage requirement along Boardwalk Drive while also allowing for use as a parking structure with active use on a portion of the ground floor.”

- (e). A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.**

Applicant response: “BUILDING FRONTAGE – A1 EISENHOWER: The proposed building frontage allows for use of the proposed building as a hotel, while also providing an open space area near the intersection that is consistent with the existing spaces in the other three quadrants of this intersection.

BUILDING FRONTAGE – D1 BOARDWALK: The proposed building frontage allows for a functional courtyard while also providing a double-loaded corridor along each side of the building.

BUILDING WIDTH – A1 STATE: The requested building width allows for functional use of the proposed building as a hotel while also meeting the minimum frontage requirement along State Street.

BUILDING WIDTH – C2 BOARDWALK: The building has been designed to meet the minimum frontage requirement along Boardwalk Drive while also allowing for use as a parking structure with active use on a portion of the ground floor.”

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with a large initial "J" and "B".

Jon Barrett
Zoning Coordinator

