

City of Falls Church

Meeting Date: 05-07-18	Title: (TO18-01) ORDINANCE TO AMEND ARTICLE IV, DIVISION 10, B-2 CENTRAL BUSINESS DISTRICT, OF THE ZONING ORDINANCE TO AMEND SEC. 48-486. “PRINCIPAL USES PERMITTED BY RIGHT” IN ORDER TO ALLOW ADDITIONAL USES; AND TO AMEND SEC. 48-488. “SPECIAL EXCEPTIONS” FOR DEVELOPMENT PROJECTS ON A SITE DESIGNATED AS A SPECIAL REVITALIZATION DISTRICT FOR EDUCATION AND ECONOMIC DEVELOPMENT AND DESIGNATED FOR MIXED-USE ON THE FUTURE LAND USE PLAN MAP	Agenda No.: 1 c)	
Proposed Motion: None.			
Originating Dept. Head: Paul Stoddard, AICP, Acting Director of Community Planning and Economic Development Services 703-248-5041 PS 5-3-18 Susan Bell, Planning Consultant SIB 5-3-18 Carly Aubrey, AICP, Principal Planner 703-248-5106 CA 5-3-18		Disposition by City Council:	
City Manager: Wyatt Shields 703-248-5004 FWS 5-3-18	City Attorney: Carol McCoskrie 703.248.5010 CWM 5-3-2018	CFO: Kiran Bawa 703-248-5092 KB 5-3-18	City Clerk: Celeste Heath 703-248-5014 CH 5-3-18

2 **REQUEST:** The City Council is requested to consider potential zoning ordinance
 3 amendments to add special exception provisions in the B-2, Central Business zoning
 4 district that relate to the West Falls Church project (Schools-Related Parcels) and set a
 5 date for first reading and referral to the Planning Commission and School Board.

6
 7 **RECOMMENDATION:** Staff recommends that the City Council provide guidance on
 8 the proposed ordinance and permit the placement on an upcoming regular meeting
 9 agenda with the intent of granting first reading and referring it out to the School Board
 10 and Planning Commission.

11
 12 **BACKGROUND:**

13
 14 *EXISTING ZONING:* The 34-acre Schools-Related Parcels site currently is zoned R-1A.
 15 This zoning is in accordance with a provision in the Zoning Ordinance that stipulates
 16 that property added to the City shall be zoned R-1A until otherwise classified (§48-
 17 205.(c)). The Schools-Related Parcel site was added to the City as a result of the 2013
 18 Boundary Adjustment Agreement with Fairfax County but has not yet been rezoned.

20 *REZONING TO B-2:* The proposed text amendments to the B-2 ordinance will create a
21 new special exception provision that, in conjunction with a subsequent map
22 amendment, signals the City’s intention to facilitate and support development of a
23 significant mixed-use project on up to 10 acres of the school site (“economic
24 development parcel”). The proposed text amendments also allow for by-right
25 development of an elementary or secondary school up to a height of seven stories.
26

27 The B-2, Central Business Zone, is the most appropriate zoning category for this site.
28 The B-2 District is designed “to create a downtown business area which will provide a
29 range of commercial activities at a level of development more concentrated than other
30 commercial areas.” B-2 permits an array of principal uses including public buildings
31 and facilities (including schools), hotels and motels, business and professional offices,
32 and a variety of retail uses both by-right and as conditional uses. Special exception
33 provisions allow for approval of residential uses within mixed-use projects.
34

35 On January 16, 2018 the City Council held a work session to discuss rezoning the entire
36 34 acres encompassing the George Mason High School / Mary Ellen Henderson
37 Middle School campus and the West Falls Church Economic Development project to B-
38 2. During the work session several issues were discussed including the need for
39 flexibility, parking requirements and approval processes. This proposed B-2 zoning text
40 amendment includes substantive and procedural changes to accommodate those needs.
41 In substance, the proposed zoning text amendment to the B-2 zone allows for additional
42 height for the school portion of the site and creates a special exception for a mix of uses,
43 including residential, and additional building height for the mixed-use portion of the
44 GMHS campus property. The amendment signals that density will be allowed at a high
45 level but does not specifically regulate density.
46

47 *PROPOSAL MODIFIED B-2:*

48 The proposed B-2 regulations for the West Falls Church area provide additional
49 flexibility in height and density that is needed to achieve a significant development
50 project on approximately 10 acres of the site. The existing B-2 ordinance allows by-
51 right building heights of 75 feet and building heights of 115 feet by special exception.
52 The proposed changes allow up to 15 stories with special exception. The purpose of
53 such development would be to increase revenues from development on the site to help
54 pay the cost of building the new George Mason High School/Mary Ellen Henderson
55 Middle School Campus, and to create a great place with a desirable mix of uses and
56 amenities that will serve the City and surrounding area.
57

58 In substance, the proposed zoning text amendment to the B-2 zone allows for additional
59 height for the school portion of the site and creates a special exception for a mix of uses,
60 including residential, additional density and building height for the mixed-use portion of
61 the GMHS campus property.
62

63 In process, the proposed zoning text amendment establishes a two-step special
64 exception approval process, that results in approval by City Council that is similar to a
65 site plan instead of the usual one-step special exception process with a separate site plan
66 process with Planning Commission action. This two-step process is designed to allow

67 the zoning entitlement process to keep pace with the RFP process. Step 1, the Special
68 Exception Entitlement (SEE) (which would be approved at the same time as a land lease
69 or land sale agreement), establishes entitlements for building heights, and uses on the
70 site. Step 2 approvals, the Special Exception Site Plan (SESP), are equivalent to a site
71 plan as called for in 48-1134, are required prior to construction, and could be completed
72 for the entire site or for smaller portions. SESP would be approved by City Council
73 following review by staff and boards and commissions. SESP approvals would include
74 architectural design and the level of detail typical for special exception and site plan
75 approvals under B-2 zoning elsewhere in the City.

76 77 **STAFF ANALYSIS**

78 79 **Key Elements of Proposed Zoning Ordinance Text Amendment**

80 81 Applicability

82 Under this proposed amendment, elementary and secondary schools up to seven stories
83 could be built by-right in a Special Revitalization District for Education and Economic
84 Development. The new special exception provisions in B-2 require a minimum site area
85 of five acres and would allow additional uses for sites designated “Special
86 Revitalization District for Education and Economic Development” and designated
87 “Mixed-Use” on the Future Land Use Plan Map.

88 89 Standards

90 In order to implement the goals of the “Special Revitalization District for Education and
91 Economic Development”, provide the necessary flexibility in height and density
92 required for the project, and fulfill the provisions of the Boundary Adjustment
93 Agreement with Fairfax County, the B-2 District should be amended to provide
94 additional standards and to create a new special exception option that would help
95 facilitate the project in a way that the City will achieve its goals. The following
96 describes some of the standards that are under consideration for the proposed draft
97 ordinance.

98
99 Achievement of heights provided for in the proposed amendment would be based on a
100 finding by the City Council that the project meets the special exception standards set
101 forth in City Code §48-90 and substantially achieves the goals of the “Special
102 Revitalization District for Education and Economic Development” and site-specific
103 studies. These goals are part of the proposed Comprehensive Plan amendments
104 approved at the January 22, 2018 City Council hearing:

105
106 Goal: Recognize the requirements set forth in the Voluntary Boundary Adjustment
107 Agreement between the City of Falls Church and Fairfax County requiring that 70%
108 of the area is used for school purposes and 30% for economic development
109 purposes, while encouraging revitalization and further development.

110
111 Goal: Provide a gateway to the City which instills a sense of place through the use
112 of high quality urban design, a flexible and connected street grid, multi-modal
113 access within and to adjacent sites, appropriate buffering between the educational

114 and economic development uses, and green space and plazas to serve both the
115 educational and economic development uses.

116
117 *Strategy: Utilize the recommendations presented in site-specific studies when*
118 *reviewing proposed development projects. These include the pending Small Area*
119 *Plan, Urban Land Institute Technical Assistance Panel 2014 report, and the*
120 *Urban Design Guidelines and Small Area Plan POA 8 Mobility and*
121 *Accessibility 2017 studies.*

122
123 Goal: Encourage creative proposals and successful economic development to offset
124 school construction debt service and to provide other community benefits by
125 developing planning and zoning guidelines and standards, such as an appropriate
126 mix of uses, a range of densities and heights within suitable locations, and explore
127 options for a special tax district.

128
129 *Strategy: Standards should provide for building heights and massing compatible*
130 *to the adjacent schools, while allowing for higher building heights adjacent to*
131 *arterials and nearby commercial development. Appropriate standards would*
132 *include floor area ratios of 2.5 to 4.0 or higher; 1.2 to 1.5 million square feet or*
133 *higher; and building heights that reflect the site's proximity to transit and*
134 *transportation facilities.*

135
136 *Strategy: Consider and explore creating a tax increment financing district,*
137 *business improvement district, community development authority or similar*
138 *financial mechanisms to generate tax revenue from economic development to*
139 *support the debt service required to construct and maintain the schools and*
140 *other infrastructure and amenities on the site.*

141
142 Goal: Promote environmentally-responsible development that is supported by
143 sustainable systems of green infrastructure and utilities and that integrates
144 educational and environmental stewardship opportunities for the students of George
145 Mason High School and Mary Ellen Henderson Middle School.

146
147 *Strategy: Incorporate the recommendations presented in the Urban Design*
148 *Guidelines 2017 study when developing zoning standards, such as certification*
149 *from accredited green building programs, low-impact design and green*
150 *infrastructure features, ~~and~~ geothermal energy (as studied in the Geothermal*
151 *Feasibility Assessment, November 2017) and/or district heating and cooling.*

152
153 *Strategy: Design of school buildings and facilities should incorporate standards*
154 *of green building certification programs, low-impact design and green*
155 *infrastructure features, and geothermal energy and/or district heating and*
156 *cooling, to the greatest extent possible.*

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158 Goal: Encourage collaboration between economic development uses and the
159 educational programs anchored by the Virginia Tech and University of Virginia
160 Northern Virginia Center and Falls Church City Public Schools.

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Strategy: Dialogue between the Virginia Tech University of Virginia Northern Virginia Center, Falls Church City Public Schools and the City of Falls Church should occur on a regular basis to determine what potential economic development uses would provide mutual benefits for the educational and economic development programs.

Goal: Provide an inclusive process in the plan development and implementation for the site.

Strategy: Ongoing planning for the site, such as zoning district designation, special exception criteria and zoning standards, and development of the small area plan should incorporate recommendations presented in previous site-specific studies, as well as input from city stakeholders.

Proposed zoning provisions include the following elements:

- Future Land Use Plan Map Designation: “Special Revitalization District for Education and Economic Development” and designated for “Park and Open Space” with Two School Symbols and “Mixed-Use” on the Future Land Use Plan Map.
- Density is not specifically regulated but will be consistent with the guidance in the City’s Comprehensive Plan, and will reflect the permitted heights.
- Use: Provides for elementary and secondary schools up to seven stories, limited by right use of the mixed-use site as well as an option for the City Council to approve interim uses. The amendment would permit Office, Hotel, Retail and Multifamily Residential uses with a preference for significant commercial development on the mixed-use site.
- Building Height: Building heights should vary over the site with compatible heights adjacent to the school site, and higher heights adjacent to arterial roads and nearby commercial development, up to a maximum height of fifteen (15) stories, not including mechanical penthouses. Penthouses may exceed the height limits provided they are set back from the building edge a distance equivalent to their height.
- Parking: To promote multimodal access to the site, and shared parking where the operating characteristics of different uses make it feasible, parking below the minimum parking requirements in the Zoning Ordinance is desirable. Reductions below minimum requirements should be considered for provision of exemplary non-motorized vehicular options or other transportation demand management elements. While underground parking is preferred, above-ground structured parking should be wrapped or otherwise screened from view.

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Review Process

To permit the coordinated development of sites designated “Special Revitalization

207 District for Education and Economic Development” and designated Mixed-Use on the
208 Future Land Use Plan Map, a two-step process consisting of a Special Exception
209 Entitlement (SEE) for the entire economic development site and a Special Exception
210 Site Plan (SESP) for all or individual parcels will be required. It is expected that the
211 SEE plan will constitute a general plan for the entire site with respect to building
212 massing, location and density, land uses, transportation, public facilities and
213 infrastructure, and guide future SESP approvals for the site. SESP approval would be
214 required before a building permit could be approved for any aspect of the development.
215

216 As proposed, the Special Exception Entitlement would be approved or denied by the
217 City Council following review by staff and concurrent circulation to the Planning
218 Commission and any other relevant boards and commissions. An SEE approval will
219 establish a legal entitlement for the elements approved through that SEE that runs with
220 the land for building heights, uses and density, and will supplant the underlying B-2
221 Zoning regulations. The SEE would be submitted following approval of the Exclusive
222 Rights Agreement with approval to coincide with the finalized Comprehensive
223 Agreement. The selected developer would then file for Special Exception Site Plan
224 approvals when appropriate for the development. The SESP process is intended to result
225 in approval that is equivalent to a site plan as called for in 48-1134. The City Council
226 would approve or deny the SESP based on recommendations from the staff and boards
227 and commissions and the considerations set forth in 48-1141 for Planning Commission
228 approval of site plans. Elements approved through the SEE are not subject to
229 modification or reversal, except upon application by the applicant and approval by the
230 City Council.
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232 Approval of the Special Exception Entitlement and Special Exception Site Plan shall be
233 based in part on the City Council finding that the development proposal furthers the
234 goals of the “Special Revitalization District for Education and Economic Development”
235 and is substantially consistent with the recommendations presented in site-specific
236 studies.
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238 **Comprehensive Plan Analysis**

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240 The proposed amendments to the B-2 zoning provisions further the implementation of
241 the Boundary Adjustment Agreement between the City of Falls Church and Fairfax
242 County which was adopted by the City Council in April 2013, approved by voter
243 referendum on November 5, 2013 and approved by a Special Court appointed by the
244 Virginia Supreme Court on December 13, 2013. Under the provisions of this agreement
245 approximately 24 acres are to be used for educational purposes with approximately 10
246 acres to be used for economic development purposes.
247

248 The subject sites were designated “Special Revitalization District for Education and
249 Economic Development” on the Future Land Use map on January 22, 2018. The 10-
250 acre site was designated “Mixed-use” while the school site was designated “Park &
251 Open Space” with Two School Symbols. This action is directly tied to the August 2016
252 action by the City Council to adopt Resolution 2016-36 amending Chapter 4 (Land Use
253 and Economic Development) of the Comprehensive Plan to establish designated

254 revitalization areas pursuant to Virginia Code §15.2-2303.4. The Broad Street
255 Revitalization Area includes the subject site. The purpose of the Revitalization Area is
256 to designate where redevelopment will be encouraged. The Revitalization Area
257 encompasses mass transit, is oriented toward the most logical transit alternative,
258 includes the ability for mixed-use development and allows for density greater than 3.0
259 floor area ratio (F.A.R.) in a portion thereof. Resolution 2016-36 also designated the
260 entire City as an Urban Redevelopment Area, which allows the City to provide
261 financial and other incentives to encourage redevelopment. Within the context of
262 setting policies for development of the City, the Comprehensive Plan identifies several
263 “Planning Opportunity Areas (POAs)” in the City. The Plan describes POAs as being
264 areas where property is currently underutilized and redevelopment could help improve
265 quality of life in the City and further the realization of the Plan’s overall vision for the
266 City.

267
268 **NEXT STEPS:**

- 269 • Complete Re-Zoning Schools Related Parcels – Fall 2018
- 270 • Complete Small Area Plan for Schools Related Parcels – Spring 2018
- 271 • FCCPS Request for Proposal Step 2 for School Construction – 2nd quarter of
272 2018
- 273 • Issue the Request for Detailed Proposals for the West Falls Church Economic
274 Development Project – June 2018
- 275 • Selection of preferred Proposer and execution of Exclusive Rights Agreement –
276 October 2018
- 277 • Subdivision Approval – 4th quarter 2018

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279 **FISCAL IMPACT:** No direct fiscal impact for making these amendments to the
280 Zoning Ordinance.

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282 **TIMING:** Refer to next steps for additional action items.

283
284 **ATTACHMENTS:** None.

285

333 entirely within an enclosed building, and that all goods shall be only for retail
334 sale on the premises: Food stores and beverage stores, drugstores, bakeries,
335 confectioneries, self-service laundries, laundry or cleaning depots, shoe repair
336 shops, barbershops or beauty salons, clothing stores, variety stores, gift shops,
337 studios, banks, antique shops, jewelry stores, florists, photo shops, music
338 stores, bookstores or stationery stores, appliance store, office equipment store,
339 furniture store, hardware store, garden supply stores, mortuaries, department
340 stores, theaters and any other retail and service uses determined by the zoning
341 administrator to be consistent with uses permitted in this subsection.

342 (13) Mixed-use redevelopments, as permitted and regulated in article V, division 5
343 of this chapter.

344 **(b) In addition to uses permitted by subsection 48-486(a) above, the following**
345 **uses are permitted by-right on sites that are located in the B-2, central**
346 **business district and in areas designated “Special Revitalization District**
347 **for Education and Economic Development” on the Future Land Use Plan**
348 **Map:**

349 **(1) Elementary and secondary schools, up to seven stories in height, parks**
350 **and playgrounds.**

351 **(c) When an applicant who is either the owner, or has the written consent of**
352 **the owner, of a property, has applied for and obtained city council**
353 **approval for a Special Exception Entitlement (SEE) as permitted by**
354 **Section 48-488.B below, then all uses on the site, including by-right uses,**
355 **will be controlled by and as specified in that Special Exception**
356 **Entitlement. By-right uses not specified in the SEE shall not be permitted**
357 **after such approval.**

358 * * *

359
360 Sec. 48-488. Special Exceptions.

361 **A. Generally**

362 The city council may, by special exception, modify the requirements of this
363 division, for the B-2, central business district, to allow:

364 (1) Single-story commercial development. Single-story commercial development or
365 a 500 square foot or greater expansion of an existing single-story commercial use; or

366 (2) Residential development within mixed-use development projects. The following
367 shall also apply to the residential special exception:

368 a. A height bonus of up to 40 feet may be granted by the city council if the city
369 council determines that the project is exemplary in terms of conformance with the
370 criteria in section 48-90(d)(1) and (2), and the bonus shall significantly assist in
371 conformance with section 48-90(d)(2) and (3). Maximum height shall not exceed 115
372 feet. The height of all structures within a special exception project that abut an R district
373 must be tapered to the district, taking into consideration the height of existing buildings
374 in that area. The upper stories of structures should be stepped back to be compatible
375 with the maximum by-right height permitted within the B district in which the structure
376 will reside.

377 b. A height bonus of up to 40 feet may be granted by the city council for certain
378 preferred uses. Maximum height shall not exceed 115 feet. These uses must be located

379 on the primary street frontage portion of the structures. These uses may include, but are
380 not limited to, entertainment uses, health clubs open to the public, theaters, art galleries,
381 antique stores, clothing stores, and restaurants with outdoor dining facilities, and will be
382 incorporated into the special exception conditions. The height of all structures within a
383 special exception project that abut an R district must be tapered to be compatible with
384 the maximum heights permitted in the buildings in that area. The upper stories of
385 structures should be stepped back to be compatible with the maximum by-right height
386 permitted within the B district in which the structure will reside.

387 c. The city council may identify certain uses that will not be encouraged in the
388 primary street frontage portion of the first floor of the required commercial component
389 for each application. These uses may include, but are not limited to, travel agencies,
390 insurance agencies, nail salons, laundromats, mortuaries, and offices for financial
391 advisers, consultants, dentists, doctors and realtors.

392 d. The retail component of projects, if any, shall be located adjacent to major
393 thoroughfares or designated shopping streets on the first or second floor of structures,
394 but may extend to upper floors.

395 e. All structures containing residential uses shall be a minimum of four stories in
396 height.

397 (3) A height bonus of up to 40 feet may be granted by the city council for
398 projects composed solely of commercial uses. Maximum height shall not exceed 115
399 feet. The height of all structures within a special exception project that abut an R district
400 must be tapered to be compatible with the maximum heights permitted in the abutting R
401 district, taking into consideration the height of existing buildings in the area. The upper
402 stories of structures should be stepped back to be compatible with the maximum buy-
403 right height permitted within the B district in which the structure will reside.

404 Additional criteria and requirements applying to special exceptions shall be as set forth
405 in section 48-90(f).

407 **B. Special Revitalization District for Education and Economic Development**

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409 **Projects in areas designated “Special Revitalization District for Education and**
410 **Economic Development” and designated for mixed-use development on the Future**
411 **Land Use Plan Map may use a two-step process, as set forth below: (1) a Special**
412 **Exception Entitlement to determine the layout, heights and general uses and (2) a**
413 **Special Exception Site Plan.**

414
415 **1. Special Exception Entitlement Elements: A Special Exception Entitlement may**
416 **be sought and approved for a site of five (5) acres or more and shall define land**
417 **uses, height, transportation, public facilities, utilities and infrastructure for the**
418 **project and shall govern any Special Exception Site Plan approval(s) for the site.**
419 **All Special Exception Entitlements shall include the following elements:**

420
421 **(a) Density. Density in the “Special Revitalization District for Education and**
422 **Economic Development” will not be limited, per se, but approved densities will be**
423 **consistent with guidance in the City’s Comprehensive Plan.**

424

425 (b) Use. Office, Hotel, Retail, and Multifamily Residential uses may be
426 permitted where the city council finds that significant commercial (retail, office or
427 hotel) uses are included in the project and where the residential uses contribute
428 significant positive net revenue benefits, build community and help achieve the
429 goals and strategies of the “Special Revitalization District for Education and
430 Economic Development” and related plans and policies,

431
432 (c) Building Height. Building heights and massing should vary over the site, be
433 compatible with adjacent schools or other uses and allow for higher building
434 heights adjacent to arterial roads and nearby commercial development, up to a
435 maximum height of fifteen (15) stories, not including mechanical penthouses.
436 Penthouses may exceed the height limits provided they are set back from the
437 building edge a distance equivalent to their height.

438
439 (d) Parking: As part of Special Exception Site Plan approval, minimum
440 parking requirements may be reduced or modified by reducing the amount of
441 required parking (Sec. 48-970), providing for shared parking arrangements (Sec.
442 48-971) and off-site parking agreements (Sec. 48-972). Additional reductions may
443 be approved for provision of exemplary non-motorized vehicular options or other
444 transportation demand management elements. Above ground structured parking
445 must be wrapped or otherwise screened from view.

446
447 2. Special Exception Entitlement Applications: A Special Exception Entitlement
448 may be sought and approved for all or any part of a property that is eligible for a
449 Special Exception Entitlement. The following information shall be provided as
450 part of the SEE application:

451 (a) Statement of Justification including how the project will further the goals of
452 the “Special Revitalization District for Education and Economic Development”
453 and be consistent with the Comprehensive Plan, Future Land Use Plan Map, and
454 any site-specific studies.

455 (b) Current aerial photograph of the site with surrounding uses within a
456 distance of 400 feet of the site boundary to show context

457 (c) Plot and location plan(s) at 1” = 20’ scale (unless an alternate scale is
458 approved by the city) showing:

459 a. Dimensions and site area;

460 b. Topography at two-foot contour intervals;

461 c. Utilities and Infrastructure: Locations and descriptions of all existing
462 underground and aerial utilities within or on the periphery of the site and
463 streets serving the site and all proposed infrastructure that will be
464 necessary to serve the proposed uses and the site;

465 d. Proposed Structures: Locations, gross floor area and heights (stories and
466 feet) of all proposed structures, and all uses to be contained therein
467 including the type of commercial and gross floor area, the estimated
468 number of residential units and the number of hotel rooms and parking
469 locations and extent;

470 e. Interim Uses: If the applicant desires to make interim uses of any
471 portion of the site prior to final SESP approval, the extent and nature of

472 such uses shall be included in the plot and location plan(s) and other
473 submission;

474 f. Transportation and Street Plan: Proposed street layout including
475 general location and dimensions, connections to existing streets or to those
476 existing or proposed on adjacent properties, ownership of existing and
477 proposed streets, sidewalks, curb cuts, and bus and transit facilities;

478 g. Open Space and Recreation: General location and dimensions of
479 proposed open space including but not limited to parks, plazas and
480 common open space, and any proposed recreational facilities (type,
481 number square feet);

482 h. Adjacent roadway median strips and existing and proposed median
483 openings for vehicular access;

484 i. Adjacent Sites: Outline of block faces and structures on adjacent
485 contiguous sites and across adjacent streets, with curb cuts for garage
486 entrances and loading docks shown.

487 (d) Conceptual landscape master plan providing a general description and
488 location of landscape elements, including streetscape elements, plazas, parks, and
489 common open space.

490 (e) Phasing Plan: If the project is expected to be developed in phases, or to be
491 divided in parcels that can be individually built, then the applicant shall provide
492 the following information:

493 (1) Proposed timing of construction (as related to construction of phases or
494 parcels) for each element. Such timing shall ensure that the commercial
495 uses will be constructed before construction of a proportional amount of
496 gross floor area of residential uses.

497 a. Proposed gross floor area, number of dwelling units or number of hotel
498 rooms to be included in any phase or parcel for each use;

499 b. Proposed parking to be included in any phase or parcel for each use and
500 phasing plan for construction of parking;

501 c. Parking shall be provided for each use at or prior to occupancy of each
502 building.

503 (f) A statement of any proposed variances, waivers and modifications to zoning
504 regulations or adopted city plans and policies.

506 (g) Special Exception Entitlement Review: The Special Exception Entitlement
507 review process will include review by staff and, concurrently, circulation to the
508 Planning Commission and any other relevant boards or commissions, who will
509 provide recommendations to the City Council for its consideration.

510 (h) Special Exception Entitlement Approval: The city council shall approve a
511 Special Exception Entitlement and may modify the requirements of this division to
512 allow height above the limits set forth in section 48-1101 and residential uses
513 within a mixed-use development project. The approval and any modifications to
514 Zoning Ordinance requirements shall be based on a finding that the project
515 substantially achieves the goals of the “Special Revitalization District for
516 Education and Economic Development” and is consistent with the Comprehensive
517 Plan and with the recommendations of any site-specific studies. The city council
518 may adopt conditions as part of its approval to ensure that the project will meet

519 these standards.

520
521 (i) Effect of Special Exception Entitlement Approval: Once approved by city
522 council, the Special Exception Entitlement will govern all uses on the site, and the
523 height, location, uses, transportation, utilities and infrastructure to be allowed
524 under Special Exception Site Plans approved for the property. No other use shall
525 be permitted on the site after such approval, including uses permitted by-right in
526 the B-2 zoning district, except those expressly permitted by the Special Exception
527 Entitlement. Once a Special Exception Entitlement has been approved,
528 application may be made for a Special Exception Site Plan (SESP) that is
529 consistent with the Special Exception Entitlement, including any amendments that
530 are approved by the city council.

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532 3. Special Exception Site Plan Requirements: The Special Exception Site Plan
533 process is intended to result in approval that is equivalent to a site plan as called
534 for in 48-1134.

535
536 The elements of the Special Exception Site Plan shall comply in all respects with
537 the Special Exception Entitlement, as approved, except to the extent the applicant
538 seeks an amendment to that Special Exception Entitlement. A Special Exception
539 Site Plan may be sought and approved for all or any phase identified in the
540 approved Special Exception Entitlement.

541
542 (a) Application: An application for a Special Exception Site Plan shall include:

543 (1) Relevant parts of the Special Exception Entitlement.

544 (2) All materials listed in Section 48-1137 of this Ordinance, provided that
545 any waiver pursuant to Section 48-1138 may be approved by the city
546 manager, after making the finding required by that section.

547 (3) A Preliminary Survey as called for by Section 48-1135.

548
549 (b) Special Exception Site Plan Review: Review of the Special Exception Site
550 Plan shall consist of a first reading by city council, followed by staff review and
551 review by any boards and commissions to whom the city council refers the
552 application. The elements approved through the Special Exception Entitlement are
553 not subject to reversal or modification, except upon application by the applicant
554 and approval by city council.

555
556 (c) Special Exception Site Plan Approval:

557 (1) The Special Exception Site Plan will be approved or denied by the city
558 council based on the recommendations from the staff and boards and
559 commissions and the considerations set forth in Section 48-1141 for
560 planning commission approval of site plans. Approval or denial shall not
561 be based on elements previously approved in the Special Exception
562 Entitlement. The approved project shall meet all requirements of the
563 zoning ordinance unless specific waivers or modifications are enacted. Any
564 waivers or modifications (but not variances) to particular requirements

565 that are permitted under the zoning ordinance to be made by any entity
566 may be made by the city council.

567 (2) The city council may impose other requirements as set forth in Section
568 48-1140 and may modify zoning ordinance requirements where it finds that
569 doing so will better achieve the goals and objectives of the “Special
570 Revitalization District for Education and Economic Development”. Any
571 utilities or other infrastructure for the site or parcel that is either needed
572 for the building(s) to be constructed, or that must be constructed before
573 that building so that other, later buildings can be served, shall be included
574 in and built as part of the Special Exception Site Plan.

575
576 (d) Effect of Special Exception Site Plan Approval: Once approved, an SESP
577 shall function as any other site plan approved under Article V, Division 7 of the
578 zoning ordinance, and shall be subject to those requirements set forth in Sections
579 48-1143 through 1149, inclusive.

580 4. Maps: The area designated “Special Revitalization District for Education and
581 Economic Development” is shown on the Future Land Use Plan Map.

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584

585 1st Reading:

586 2nd Reading:

587 Adoption:

588 (TO18-01)

589