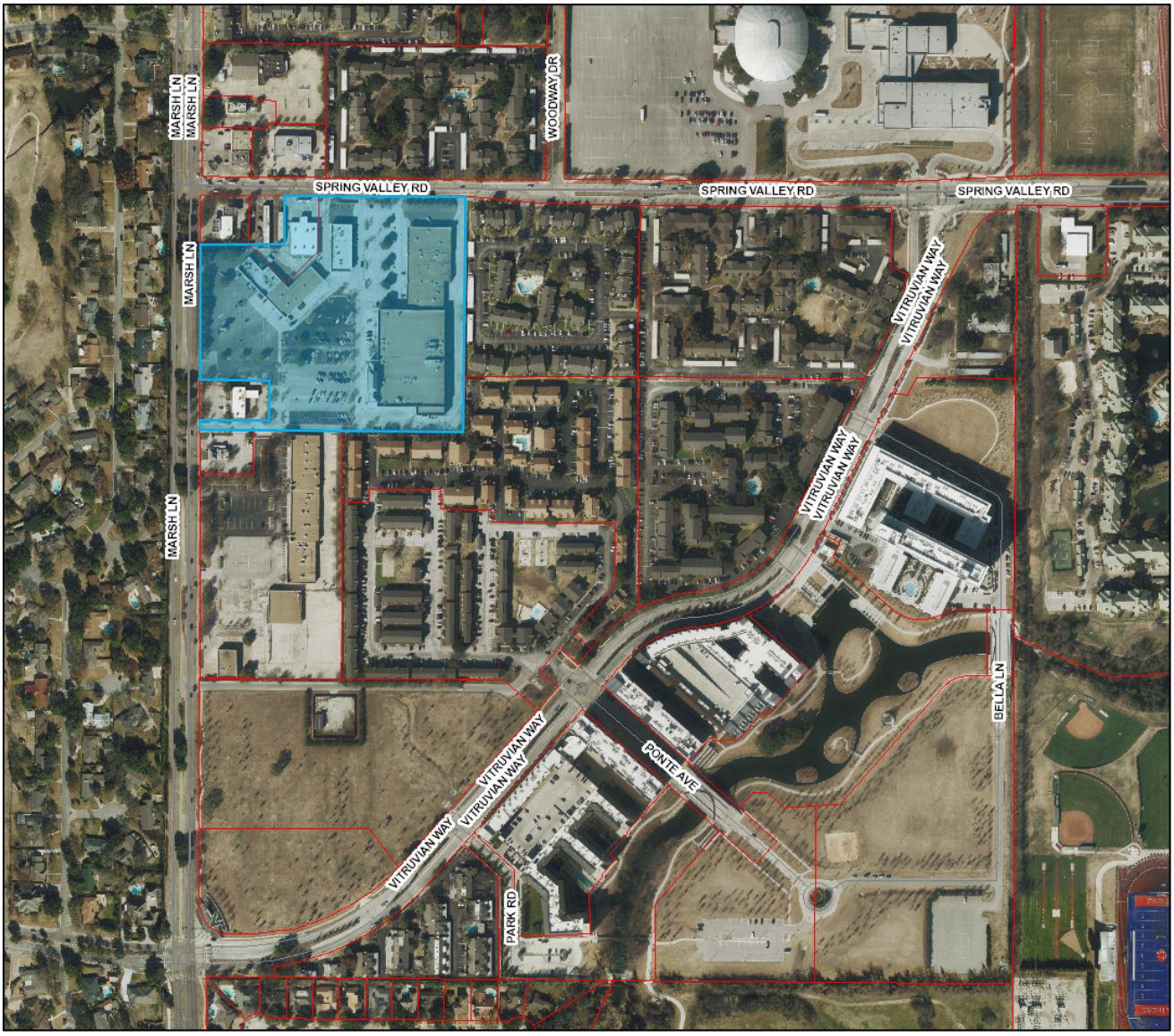
1727-Z

PUBLIC HEARING Case 1727-Z/Brookhaven Village. Public hearing, discussion, and take action on a recommendation regarding a development plan for the development of approximately 86,310 square feet of retail and restaurant space in an existing Planned Development District (PD O07-034) located on approximately 11.5 acres located generally at the southeast corner of Marsh Lane and Spring Valley Road and approving a wavier to construction material requirements.

LOCATION MAP



April 15, 2016

STAFF REPORT

RE:	Case 1727-Z/Brookhaven Village
LOCATION:	Approximately 11.5 acres of land located generally at the southeast corner of Marsh Lane and Spring Valley Road.
REQUEST:	Development Plan Approval in an existing Planned Development District (PD O07-034) with a waiver regarding limits to the number of construction materials.
APPLICANT:	UDR, represented by Ms. Amy Sumners of GSO Architects

DISCUSSION:

Background: On October 9, 2007, UDR obtained approval to rezone a 99-acre neighborhood. Six years later in 2013, the zoning for the project was expanded to include 4 additional tracts totaling 21.7 additional acres including the Tom Thumb-anchored Brookhaven Village shopping center, the Burger House site at 14248 Marsh Lane, and the KinderCare site at 3710 Spring Valley Road. The planned development district zoning established development standards and a concept plan. It also established that prior to the issuance of a building permit for any project within the PD district, a development plan for the project must be approved by the Planning and Zoning Commission and the City Council.

The shopping center, as it currently exists, sits on 17.893 acres and consists of 176,860 square feet of retail. UDR is coming forward with a development plan to reconstitute this as a smaller retail center around Tom Thumb.

Proposed Plan: The proposed project requires the demolition of the KinderCare facility as well as two of the existing buildings in the northern half of the retail center. The plan is to create a new center with a total of 86,310 square feet of retail. This would include the existing 60,000 square foot Tom Thumb grocer, a new multi-tenant retail building of 17,500 square feet, and three pad sites for two drive-through restaurants and one gasoline service station for Tom Thumb. Additional retail would be incorporated in future phases of the Vitruvian development.

In addition, Tom Thumb would receive an exterior renovation that would tie it into the new look of the center. The site improvements also contemplate upgraded landscaping and pedestrian connections. There will be a clear pedestrian connection and entry feature extending from Marsh Lane to Tom

Thumb. Additionally, a pedestrian connection has been proposed between the two retail buildings that will promote walkability once the residential properties to the east are redeveloped.

Staff Review: Development Plan approval differs from a typical zoning case. While zoning is a legislative decision with wide latitude given during the consideration process, development plan approval is a ministerial function more like plat approval. The purpose of the development plan approval process is to review the proposal in the context of the existing zoning requirements for the site. If the proposal meets the requirements, then it must be approved.

The remainder of the staff report will address each section of the ordinance and how the proposed plan complies. This case is being taken forward in conjunction with various amendments to the governing ordinance detailed in case 1735-Z. During the meeting, the Commission will consider case 1735-Z prior to hearing this case. For the sake of this analysis, staff will include the new requirements as if they were approved.

Uses: Standalone retail is permitted in this section of the Vitruvian development. Grocery stores are a permitted use in the ordinance and any future tenant will need to comply with the permitted uses listed as well. Staff will determine this at the time a certificate of occupancy is requested. The amendments being taken forward in case 1735-Z add restaurants with drive-through service and gasoline service stations as permitted uses with approval of an SUP. This is to accommodate the uses shown on the three pad sites. **The proposed uses meet the standards in the ordinance.**

Development Standards: Development standards regulate the setbacks, building heights, lot sizes, and square footages of certain uses. Retail and restaurant space is limited to 500,000 square feet throughout the entire Vitruvian Park development. Including the proposed improvements to the shopping center, the development will have approximately 107,000 square feet. **The proposal meets the development standards in the ordinance.**

Open Space: Open Space is required with residential uses. Since this proposal is entirely retail, no additional open space is required. **Not applicable.**

Parking: The development plan includes a total of 536 parking spaces. Assuming a mixture of retail and restaurant tenants, it is anticipated that 447 spaces will be required to meet the necessary parking ratios. This includes the proposed 1 space per 100 square foot ratio for restaurants being added to the PD ordinance in case 1735-Z. Exact compliance will be assessed and managed as certificates of occupancy are requested for future tenants. **The proposal meets the parking requirements in the ordinance.**

Streets: There are no public streets in this area of the development and the center is exempted from the block length requirements. **Not applicable.**

Exterior Appearance: The shopping center is exempted from the masonry requirements applied to the other parts of the development. The applicant is proposing to use a variety of materials including

glass, brick, stone, and concrete, with small amounts of EIFS, metal, and wood. This wood paneling, known as Prodema, is the same used on the exterior of Fiori and is a high quality, resilient material.

The ordinance requires that at least 70% of the ground floor wall of retail uses be transparent glass. The proposed retail building has 79.6% glass fronting Spring Valley and 86.6% glass fronting Marsh.

The ordinance stipulates that a building not use more than three materials, excluding glass. The applicant is requesting a waiver from this requirement and is proposing to use six on the multi-tenant retail building. Typically, a large number of building materials can cause a building to look disjointed. However, in a retail setting, there is a competing interest in distinguishing the various retail spaces. In this case, staff believes that the number of materials and the specific design of the multi-tenant building do not distract from the esthetic and actually help tie in the shopping center to the rest of the development. **The proposal does not meet the exterior appearance requirements in the ordinance relating to the number of building materials. Waiver requested.**

Landscape: The shopping center is exempt from the landscaping requirement of the ordinance. That being said, the applicant has worked closely with staff to add landscaping in key areas. Additional tree islands and plantings are being proposed in the parking lot, at entry points to the center, and along pedestrian paths. Landscaping is proposed on the eastern edge of the property along the parking lot and behind the Tom Thumb building. This will provide screening and buffering to the current and future residential uses adjacent to the site. **Not applicable.**

Sustainability: The shopping center is exempt from the sustainability requirements of the ordinance. **Not applicable.**

Screening: The ordinance requires that mechanical equipment as well as loading, service, and trash storage areas be screened from view of all public roadways. Service and trash storage areas are in compliance. Staff cannot determine whether screening is adequate at this time because equipment has not been designed and located. However, staff will check building permit plans to see that all mechanical equipment is screened. **The proposal meets the screening requirements in the ordinance or will comply prior to the issuance of a building permit.**

Flexible standards: The ordinance grants the Planning and Zoning Commission and City Council the authority to approve waivers from the standards included in the ordinance. **The applicant is requesting a waiver to the number of building materials permitted in order to have six materials on Building B.**

RECOMMENDATION: **APPROVAL**

The redevelopment of the Brookhaven Village Shopping Center represents an important step for Vitruvian Park. Maintaining a quality grocer is vital to a successful large scale mixed use development. Reconstituting the shopping center to accommodate the existing Tom Thumb while anticipating future integration into the rest of Vitruvian is a delicate task. It was important to staff that while the center needs to stand on its own for the time being, upon full buildout it should not seem

disintegrated or unconnected from the rest of the development. Steps were taken architecturally to tie the development esthetically into certain design elements of Vitruvian Park as well as through the pedestrian connection between the Tom Thumb building and building B that will eventually align with a street and sidewalk running to the east. While all retail requires a “backside,” this has been mitigated as much as possible through the proposed landscaping and additional architectural elements included on eastern façades.

Staff is supportive of the waiver request regarding the number of building materials. Allowing the tenant spaces to be differentiated through a mixture of materials adds visual interest to the center. This is not unlike the retail fronting Belt Line in Village on the Parkway, which includes five materials.

The three pad sites that are being shown as restaurants and a gasoline service station for Tom Thumb will be assessed in more detail during the Special Use Permitting process to determine both compliance and appropriateness.

Staff recommends approval subject to no conditions.

Land Use Analysis

Attributes of Success Matrix

Brookhaven Village, Southeast corner Marsh and Spring Valley **1727-Z**

Attribute	Comment	Score
Competitive	The existing configuration of the buildings is not conducive to a competitive shopping center. The proposed changes will help reinvigorate the center. Fuel service will improve Tom Thumb's ability to attract customers.	
Safe	Adding vibrancy to the development will increase customer traffic and promote a safer environment.	
Functional	The reoriented retail will be more functional than it is now. The site has also been designed to integrate well with future phases of the redevelopment.	
Visually Appealing	The proposed materials will add visual interest to the buildings. Additional landscaping will also help improve the visibility of the project.	
Supported with Amenities	This will provide important new retail amenities to the adjacent residential properties and will eventually be incorporated into the redevelopment.	
Environmentally Responsible	Redeveloping the center and creating a mixed use development is an environmentally responsible development pattern.	
Walkable	The new plan improves walkability.	
Overall Assessment	**This will be an important entry point to Vitruvian Park. The proposed plan updates and improves the design of this center and plans ahead for future integration with the broader development.**	