

## OUTLINE OF POTENTIAL ACTIONS CONCERNING THE DOWNTOWN CORE

### 1. Use Tables and Schedule of Requirements (Sec. 16-22)

- A. Establish a list of what the Town considers to be "community-serving" uses. The list might include retail, personal services, restaurant and lodging. Public and not-for-profit uses (Town Hall, Catholic Church) would also be considered community-serving uses.
- B. Establish a requirement that the first 25' in depth of a property with frontage along Midland Avenue (from Town Hall to Riverside Drive) or along Two Rivers Road (from Fire Access Lane in Ute Center to Midland Spur) must be devoted to uses on the community-serving list.
  - 1. Existing uses would be permitted to remain and would not be considered to be non-conforming. However, existing uses that are not on the list would not be permitted to expand or to convert to other uses that are not on the list. If the existing use were to be discontinued, the space would need to be filled with a use that is on the list.
  - 2. An exception to limitation B.1 above could be allowed for office uses (including real estate companies, banks, and professional offices) through a new **use review** process. Use review would be accomplished by the P&Z or Town Council. The process might work as follows:
    - a. An inventory of the total square footage of office uses along the Midland Avenue frontage and along the Two Rivers Road frontage as of June 10, 2008 would be established. This total would be the maximum amount of office square footage that is permitted along each of these frontages.
    - b. For an applicant to establish a new office use, he or she would have to demonstrate that some office space had been removed from the inventory along the affected road frontage, such that the proposed new office would not cause the inventory to exceed the total office square footage that existed along that frontage on June 10, 2008.
    - c. An applicant could petition for an exemption from the limitation on the amount of office square footage allowed on the frontage by demonstrating that filling the space with a community serving use is not feasible at this time (such as by showing that the space had not been successfully rented at market rates during the past \_ months). In granting the exemption, the Town would be authorized to place

limitations on the duration of the tenancy of the office use (6 or 12 month lease periods?) and could require that during that tenancy, the applicant would continue to advertise the space for occupancy by community-serving uses.

- C. Eliminate residential as an allowed use on the first floor in the C-2 zone district.

Note: The adopted Code lists “single-family residential units or apartments in conjunction with a business” as a permitted use and lists “multifamily dwellings” and “mobile home parks” as uses by special review in the C-2 zone district. These listings would all be revised to state that residential use could not occur on the first floor.

- D. Limit the size of new residential units in the C-2 zone district to 1,400 total square feet, including any common storage space that is assigned to an individual unit, but excluding any parking that is assigned to the unit.
- E. Eliminate parking garages as an allowed use on the first floor in the C-2 zone district unless the frontage of the garage incorporates a retail wrap that complies with limitation B., above.
- F. Eliminate "off-site sales office for a single real-estate development" as an allowed use in the C-2 zone district. Real estate offices would only be permitted if they are for multiple listings.
- G. Allow a third story by special review in the following circumstances:
  - 1. A building to be used exclusively for hotel or lodging and associated uses, including lodge/hotel condominium units (or timeshare?).
  - 2. Any building in which the second and third stories are proposed to be 100% category community housing.
  - 3. Any property that is an historic landmark.
- H. Require development in the C-2 zone district to be consistent with the "Midland Avenue Commercial/Mixed Use Master Plan Neighborhood Typology 2a".

(Note: see also action 6.A, below).

**2. Streetscape Criteria (Chapter 11)**

- A. Eliminate the ability to make additional curb cuts on Midland Avenue. The only way to create a new curb cut on Midland Avenue would be by eliminating an existing curb cut elsewhere on Midland Avenue. In addition, establish standards to ensure that new curb cuts cause no harm to the pedestrian experience. Require a public hearing by Town Council to issue a new curb cut on Midland Avenue.
- B. Require a Town Council public hearing to issue a curb cut permit on Homestead Drive. Establish standards to ensure that substantial traffic impacts on Homestead Drive are not created from developments on Midland Avenue that would have vehicle access off Homestead Drive.
- C. Eliminate ability to have a new vehicle access way that connects Homestead Drive to Midland Avenue.

**3. Parking Standards (Article V)**

- A. Provide additional options for applicants to provide parking off-site.
- B. Revise parking cash-in-lieu provisions to more accurately reflect actual land and construction costs.
- C. Revise parking standards for new dwelling units in the C-2 zone with regard to guest parking (lower standard) and parking for service workers (higher standard).
- D. Ensure that the Code accurately defines “bedroom” for purposes of parking demand.

**4. Site Plan Review (Article VI)**

The site plan review process needs to be comprehensively revised to make it clearer to understand and to establish meaningful review standards that reflect today's downtown development concerns. Issues to be addressed include:

- A. What types of development/what areas in the Town will be subject to site plan review and what will be exempt?
- B. What process will be used: administrative versus action by a review body?
- C. What review standards (such as compliance with the applicable Master Plan typologies) and design criteria will apply to site plan review?

**5. Outdoor Vitality (Chapter 6 and Chapter 11)**

- A. Clarify that businesses can use the sidewalk outside of the business to sell merchandise that is sold in the store. Also allow temporary signs in the sidewalk that are removed after business hours.
- B. Expand the time that businesses can serve food outdoors in a public right-of-way.
- C. Consider increasing the use of public property or rights-of-way by temporary vendors (currently limited to 12 times per year). Potential increases might include:
  - 1. An existing business with a license in the downtown area could be allowed to sell items not already sold in the store (for example, ice cream could be sold outside of a clothing store).
  - 2. A business that does not have a license in the downtown area could be allowed to sell goods that are not currently being sold in the downtown area.
- D. Consider allowing outdoor amplified music on Friday and Saturday nights during the summer (one-year trial run).

**6. Amendments to 2007 Master Plan**

- A. Amend the Neighborhood Typology Maps to put the Clark’s Market area in the Town Center Commercial/Mixed Use Master Plan Typology 2b.  
  
Note: The Clark’s Market area is currently in the Neighborhood Typology 2a which is the neighborhood typology for Midland Avenue. Ute Center and future development areas by the Roaring Fork River are shown in the Neighborhood Typology 2b, which provides for more three story and other elements.
- B. Amend the Typology illustrations and the “Guiding Principles of Community Character and Place Making” (pages 146 to 148 of the 2007 Master Plan) to respond to Council and P&Z feedback from the citizen meetings.
- C. Establish the elements that the Town would hope to see in the Clark’s Market Area for which the Town would consider 3 stories as part of a Planned Development. Such elements could include:
  - 1. Retaining a minimum square footage of grocery use;
  - 2. Including a minimum of 50 hotel rooms;
  - 3. Including a minimum of \_ (#) of public parking spaces;

4. Fully respecting the 50 foot river setback, providing public access along the river area, and pedestrian connections and plazas;
5. Including an entertainment use such as night club or theater;
6. Providing resident housing above the first floor; and
7. Providing a public circulator road through the area that parallels Two Rivers Road and the River.

Note: These elements could be included in the amended 2007 Master Plan and could also be implemented as part of an ordinance rezoning the property to designate it with a new planned development/master plan overlay.

## **7. Community Housing (Article XIX)**

- A. Provide a 50% reduction in the community housing mitigation requirement for any building (or part of a building) in the C-2 zone district which is encumbered by a deed restriction stating that spaces within the building will be sold as units of 500 sq. ft. or less that cannot be combined with other units and that may not be owned in combination by different corporate entities with common individuals or partners.
- B. Provide a waiver the housing mitigation requirement for any building (or part of a building) in the C-2 zone district which is encumbered by a deed restriction stating that spaces within the building will be sold as locally-owned spaces of 500 sq. ft. or less that cannot be combined with other spaces and are restricted to occupancy solely by uses on the “community-serving” list.
- C. Historic Landmark properties would have the option to decide whether to take advantage of either of the above exception or the one under the Zoning Incentives for Historic Landmark Properties.

## **8. Miscellaneous**

- A. Place limits on the extent of the variances that are permitted to be obtained through the PUD process.
- B. Revise the sign regulations to make it easier for retail uses in the downtown core to market their business.
- C. Allow for administrative (staff) review of condominiumization applications if the application includes provisions to ensure occupancy by uses on the list of community-serving uses. Consider waiving application fees for such applications.