

Board of Adjustment
November 13, 2018
Staff Report

Application Summary –

A request by Robert Hollis (attorney), on behalf of TKG Biscayne LLC (owner), seeking approval of a 11'6" building height variance to permit exterior architectural features to exceed the maximum permitted structure height within the M-C (Mixed-Use Corridor) zoning district, on property addressed as 201 N. Stadium Boulevard and more specifically described as the former Macy's building located at the Shoppes at Stadium, which is not permitted per Section 29-4.1 of the Unified Development Code. The request is to facilitate building renovations to accommodate four retail tenants and office space.

History and Site Characteristics

The subject site is presently improved with a two-story building with a total of 139,380 square feet (70,540 square feet on the first level and 68,840 square feet on the second level). The site was redeveloped from the former Biscayne Mall site into the Shoppes at Stadium in 2003, with Macy's taking over the Famous Barr building in 2006. The building has been vacant since the closing of Macy's in 2016. The property is generally at the northwest corner of Stadium Blvd. and Ash Street which are classified as an expressway and a major collector on the CATSO Major Roadway Plan, respectively. The building serves as the southern anchor, with the Shoppes at Stadium curving in a C-shape facing Stadium between Ash and Worley, and interior parking and out lots along Stadium Blvd.

The proposed redevelopment of the site for a mixed-use building would include retail space on the ground floor, and retail and office space on the second floor. The applicant indicated the office space will be occupied by the Kroenke Group. The lower-level retailers will each generally occupy one-third of the floor area (≈/- 21,000 square feet), with the second floor retailer occupying two-thirds of the floor and the office space the other third. The uses are allowed in the M-C zone.

As proposed by the applicant, the front exterior (north façade) will see the most changes, with a complete redesign of exterior treatment and design. Two architectural towers, flanking the northeast and northwest corners of the building, are proposed as part of the redesign and are the primary elements involved in this variance request (see discussion below under "Relief Sought and Purpose"). Additionally, the redesign will create four new entrances (replacing two), one each for the three main level tenants and one for the upper level tenant. The northern façade will also be improved with variations in building height, massing and materials. The eastern façade (facing Stadium Blvd.) will include the side of the northeastern tower, four masonry pillars, and a series of windows for the upper level office space. The rear of the building is the southern façade (facing Ash Street), which will be redesigned with two recessed dock areas, small additions to the building for two of the retail tenants, and a main entry from the back parking lot and outdoor area (on the roof of the east truck dock) for the office space. The western façade is improved with the northwestern tower and is attached to the David's Bridal.

Relief Sought and Purpose

The applicant is seeking approval of a 11'-6" height variance from the maximum 45' height allowed in the M-C zone district as described in Table 4.1-2 of Section 29-4.1(a) (Dimensional Standards for Mixed Use Districts). The requested variance is sought to permit exterior architectural modifications to the former Macy's building at the Shoppes at Stadium to accommodate four retail tenants and one office tenant. The architectural changes are depicted on Architectural Sheet A2, dated 6-22-2018, prepared by Chiodini Architects which is attached.

The applicant seeks Board approval of a variance that it will permit the improvements shown on the submitted Architectural Sheet A2. As indicated in their appeal, the applicant cites the need for the variance is related to the challenges of filling an outdated and unattractive building. To fill the space with four new retailers requires a unique façade which stands out from the rest of the retailers in the plaza. Additionally, the applicant indicates that the existing perpendicularity of the building's façade to Stadium Blvd., the lack of a monument sign, and the existing out-lots and landscaping shield the building, making it difficult to see from Stadium Blvd.

If the Board grants the variance sought, it would permit the proposed structural elements (i.e. the "lighthouse" towers) to exceed the maximum permitted height of the M-C district by 11'-6". The other architectural modifications proposed to the north, east, and south facades are in compliance with the height limitations imposed by the M-C district or otherwise permissible height exceptions found within the UDC.

Summary and Impacts –

The applicant is seeking an 11'-6" variance in the permitted maximum height allowed height in the M-C zone district such that future construction on the subject site shall not exceed 56'-6" as depicted on the attached Architectural Sheet A2, dated 6-22-2018, prepared by Chiodini Architects. The purpose and intent of the M-C district is outlined by Section 29-2.2(b)(3). It allows for a broad range of commercial activities that may often be oriented toward automobile access and visibility in which larger buildings are permitted and less parking is required near the intersections of arterial-arterial and arterial-collector corners to promote higher bus transit ridership [paraphrased].

In evaluating the variance request, staff reviewed the information provided by the applicant, the unique characteristics inherent to the building and site, the intent of the M-C zone, and the request's compliance with the Variance Criteria outlined by the UDC (see analysis below).

Setting aside the specifically sought height variance, staff looked at the larger context in which the former Macy's building is located within and the impacts that the requested variance may have. The proposed uses to which the variance is attempting to accommodate are permitted in this zone and occupancy of the building is desirable. The proposed redesign includes many architectural features, including adding fenestration and breaking up the building's façades via diverse building materials, relief, and articulation, which are promoted by the UDC.

The existing architecture of the building is inferior to that of other large tenant spaces within the Shoppes at Stadium in terms of visual interest and identity. The redesign of the building's architectural features including the addition of entrances and improvements to the rear of the building will create "four-sided" architecture which are more aesthetically pleasing, functional, and in keeping with the overall scheme of the larger development. Additionally, urban infill redevelopment, mixed-use, and multi-modal transportation options which are facilitated by this request are goals and objectives promoted by the Columbia Imagined Comprehensive Plan. Furthermore, the proposed request supports the City's role as a regional center for retail activities, which is also a goal and objective found within the Columbia Imagined plan.

However, in evaluating this request against the criteria established for variances staff does not find sufficient evidence to support the request as the redesign of the site is a self-induced condition. The applicant has not successfully shown that the building, if designed to meet the requirements of the UDC, would not be successful in recruiting new tenants or be equally aesthetically appealing. Much of the design to which the variance is necessary (the lighthouse towers) is decorative in nature only - not finished usable space. Accommodating the architectural variation depicted upon the architectural elevations may be potentially achieved through an across-the-board proportional reduction in structure and parapet heights. Additionally, the applicant's assertion that the building is hard to see because of its location behind existing out-lot buildings and the overall center's lack of a master shopping center sign visible from Stadium Blvd. are viewed as self-induced conditions. The UDC permits a free-standing multi-tenant sign along the Stadium as well as the Ash and Worley frontages with a maximum height of 30'.

The UDC allows specific building heights in various zones to promote the orderly regulation of development and land use, and to ensure the same development rights are afforded to all similarly zoned property, both promoting and protecting property rights. The M-C zone allows for a maximum building height of 45 feet to allow neighborhood and regional-scale retail opportunities. Additional building heights may be sought through rezoning action to PD (Planned Development) or IG (Industrial), if successful. The role of the Variance Criteria is ensure additional development rights are not bestowed on property over other similarly situated property unless all of the criteria for the granting of a variance is met.

Compliance with Variance Criteria -

Staff has reviewed the "General Criteria" for the approval of a variance as articulated in Section 29-6.4(d)(3)(i) of the UDC. In relation to these criteria, staff finds that:

1. The applicant proposes to completely redesign the building and reface the front façade and much of the eastern and southern sides of the existing structure. This action is voluntary by the applicant. As such the variance will not address practical difficulties or unnecessary hardships related to the applicant's site, or difficulties or hardships not generally applicable to property in the area, and will not address difficulties or hardships not created by the actions of the applicant.
2. Approval of the requested variance would not result in permitting the construction of a building not otherwise allowed in the M-C (Mixed Use- Commercial) district or modify a standard contained with the definition of any use.

3. Approval of the requested variance would not result in permitting development inconsistent with the Comprehensive Plan. The subject site is located within a "Commercial" district and the proposed use is consistent with that designation. Staff notes the architectural enhancements may help the building be more successful and functional for multi-use tenants.
4. As stated in staff's analysis, the applicant is seeking an 11'-6" variance such that they may make exterior modifications to the existing structure as depicted on Architectural Sheet A2, dated 6-22-2018, prepared by Chiodini Architects. A lessor or potentially no variance may be possible if architectural changes are proposed in the redesign of the structure. There has been no evidence supplied by the applicant indicating why such adjustments are not possible, and it has not been shown that the existing building is not at or below the 45-feet permitted in the M-C zone currently.
5. The variance is unlikely to harm the public health, safety, or welfare or be injurious to other property or improvements in the area where the property is located.

Recommendation Action –

Disapproval of the requested variance to permit a maximum structure height of 56'-6" as depicted on Architectural Sheet A2, dated 6-22-2018, prepared by Chiodini Architects for property addressed as 201 N. Stadium Boulevard and more specifically described as the former Macy's building located at the Shoppes at Stadium.