

# Memorandum

**DATE:** November 10, 2010

**TO:** Plan Commission

**FROM:** Planning Division Staff and Zoning Administrator

**SUBJECT:** Considerations for Mixed-Use Buildings at Corners in Residential Districts

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## Introduction

On October 25, 2010, after discussing Memo 2, p. 5, #7, the Plan Commission voted to include “Mixed-Use Buildings at Corners” as a conditional use in all residential districts, except for the SRC1 District. Staff was asked to recommend additional considerations associated with conditional use review for this use.

With hope of finding example standards or guidelines, staff reviewed zoning code excerpts from Austin TX, Denver CO, Miami FL, Milwaukee, Portland OR, Seattle WA, and St. Paul MN regarding this particular use. None list “mixed-use buildings” as an allowable use in residential districts. Most do not allow commercial uses in any residential district, and those that do (Miami, Milwaukee, and Seattle) only allow them under limited parameters in their higher-density residential districts. Instead, most of these cities have mixed-use zoning districts similar to those in our draft code, which can be mapped near residential neighborhoods.

While respecting the Plan Commission decision, staff continue to believe that the better approach to deal with placement of these buildings is through the rezoning process from a residential to a mixed-use district. With the current approach, staff recommends that the Plan Commission give thought to revised supplemental regulations for the use and additional conditional use considerations.

## Supplemental Regulations

The supplemental regulations for this use can be found on p. 182 of the red-lined draft. Staff recommends that they be significantly revised to encompass the following:

- *Type of Use* – Currently, there are no uses associated with this as it is listed in the use table. The Plan Commission may want to require a residential use as a portion of the building, and should carefully consider the types of non-residential uses that could be compatible with residential neighborhoods. Staff is concerned that a few uses typically found in mixed-use buildings may not be compatible (e.g. restaurants) due to their parking needs, evening noise, loading, lighting, and waste removal needs. Staff recommends that the Plan Commission create a specific list, perhaps differentiated by district type, and offers the following to start the discussion.

### Potentially allowed uses (From Table 28 D-2)

- Artist, Photographer studio, etc
- Insurance, real estate, or sales office
- General Retail
- Bank, financial institution
- Business sales and services
- Food and related goods sales
- Service business
- Small appliance repair
- Sporting goods store, bait shop

- Catering
- Coffee shop, Tea House
- Clinic, medical, dental, optical
- Physical, occupational or massage therapy

### Potential uses, w/ additional standards needed

- General Office
- Furniture and household goods
- Artisan workshop
- Restaurant
- Restaurant/Tavern

- *Number of Units* – The cap on number of units should be small, especially if this is to be utilized in the single-family districts. Staff recommend linking a cap on unit count to the number of units allowed on other lots in the district. (In single-family districts, a commercial use with 1 unit above it would be allowable. In TRV1, a commercial use with 4 units above it would be allowable).
- *Design*– As drafted, these buildings are required to meet the standards for the NMX district, must be between 2 and 3 stories tall, and may have a *footprint* of up to 5,000 square feet. If the Plan commission decides to maintain this as a conditional use, staff recommends that the mixed-use buildings should be more compatible with the surrounding buildings. The Plan Commission should consider:
  - a revised height limit of 2 stories or same as underlying district, not to be exceeded
  - a maximum building size (gross floor area), rather than footprint (3,000-5,000 square feet suggested)
  - a maximum lot size of twice the minimum lot size in the district, to limit lot combinations
  - a requirement that any on-site surface parking to be screened from adjacent properties (placement of parking and access driveways will likely be problematic, in general)
  - instead of utilizing the frontage requirements in the NMX district, an alternative could be to apply all setback requirements in the underlying zoning district

### **Conditional Use Review Considerations**

The Plan Commission added the following considerations when reviewing a conditional use proposal for a mixed-use building in a residential district:

- Proximity to transit stop
- Type of street (arterial, collector, local)
- Proximity to other commercial uses

Staff recommends that the Plan Commission further clarify what they are considering with each of the above (i.e. is it advantageous or disadvantageous to be closer to other commercial uses? Which street types are better for this use?), and also add the following considerations:

- Compatibility of building placement with adjacent buildings
- Parking and access, and the likely impact on nearby residential streets
- Noise, odors, and other negative impacts on nearby properties
- Consistency with adopted neighborhood, corridor, or special area plans (appropriate locations for this use could be indicated in new or amended plans, which would ensure that the new use is supported by the planning process).