

Memorandum

Date: October 21, 2010

To: Plan Commission

From: Planning Division Staff and Zoning Administrator

Re: Transformational Zoning - Consideration of the future application of districts in undeveloped areas

Introduction

At the October 6, 2010 meeting, the Plan Commission discussed the possibility of indicating in the zoning code that a subset of zoning districts are not intended for use in undeveloped or not yet platted areas, if they are not deemed useful for the implementation of adopted neighborhood development plans for undeveloped areas. This treatment would be similar to the way the SEC (Suburban Employment Campus) District is proposed to be utilized in limited existing employment centers (see Statement of Purpose on p. 76 of the red-lined draft).

As a follow-up to the discussion, the Plan Commission requested that staff review recently adopted neighborhood development plans (NDPs) to see whether five specific draft zoning districts (CC, CCT, SE, TRR, and SRC1) would be useful to implement plan recommendations. Staff considered recommendations for future land use in the Northeast Neighborhoods NDP, Pioneer NDP, Pumpkin Hollow NDP, Shady Wood NDP, and Sprecher NDP. For each of the five districts, staff considered the following questions:

1. Would implementation of the NDPs rely on the use of this district?
2. Could this district be mapped in some locations and result in development consistent with the NDPs?
3. How is this district distinct from others, or otherwise useful to have in the palette of districts to choose from in NDP areas?

In general, as existing conditions and market realities evolve over time, it may be beneficial for the Plan Commission to have a greater number of zoning districts that can be utilized, even if some are rarely used. Thus, when a district does not appear to be necessary to implement NDP recommendations (Question 1 above), yet could be consistent with plans and could be useful, even in limited applications, for developing areas (Questions 2 and 3), staff recommends that it be maintained as a possibility for future use.

It is important to remember that undeveloped lands within the boundaries of NDPs will typically be rezoned at the time of platting. The concurrent review of proposed plats and rezoning requests provides an opportunity to ensure that proposed land use, intensity, lot size, lot configuration, and public infrastructure configuration are consistent with NDPs and work within topographical and other natural parameters. The zoning districts provide an array of options that can be used to implement adopted plans, and the Plan Commission and Council have a great deal of control over which districts are actually mapped at the time of platting.

Discussion and recommendations for each of the five districts follows:

TRR – Traditional Residential-Rustic

This large-lot single-family residence district is equivalent to the existing “R1-Rustic” District, which is currently only mapped in the Highlands neighborhood. The district exists specifically to preserve the unique character of this relatively small area, which was already developed at the time of annexation. The minimum lot size is 0.6-acres, and it is intended for use in heavily wooded areas.

In general, NDPs do not have areas that would rely on this district for implementation. A range of lot sizes, including very large lots, could be created during the platting process under one of the other residential districts. Where environmentally sensitive areas exist, the NDPs generally recommend protecting the conservation areas directly (for example, by creating unbuildable outlots), rather than by incorporating them into very low density residential lots.

While the limited application of this zoning district in some locations *could* be consistent with the NDPs (if accompanied by areas with higher density zoning districts), it is unlikely. Staff cannot think of a reason that the TRR district would be particularly useful to ensure that plans are implemented.

Staff recommend that the Plan Commission could eliminate the future mapping of this district with few if any negative effects.

SR-C1 – Suburban Residential – Consistent 1

This single-family residence district is equivalent to the existing “R1” District, which is extensively mapped in residential neighborhoods that have developed since the 1950s. As in the R1 District, the proposed minimum lot size for the SR-C1 District is 8,000 square feet (equivalent density = 5.4 net units/acre), and the proposed minimum lot width is 60 feet.

The NDPs typically call for a mix of housing types and lot sizes with entrances oriented toward the streets. None include detailed recommendations to create areas with a minimum lot size of 8,000 square feet or specific yard requirements (which are the only areas of distinction between the SR-C1, SR-C2, and TR-C1 districts), but having limited areas with lots this size is not inconsistent with the goals for providing a variety of housing in neighborhoods. The SR-C1 District is not integral to the implementation of the NDPs, but some use of the SR-C1 District, if used in conjunction with other residential districts, could certainly be consistent with many of the NDPs. When large areas are platted and assigned zoning districts, limited use of the SR-C1 District for particular blocks could be fine, and could be useful in defining those portions of the neighborhood where relatively larger lots are, in fact, intended.

On a related note, the Plan Commission has recently discussed the possibility of changing the SRC1 District by reducing the minimum lot size from 8,000 sq ft to 6,000 sq ft (see related informational Memo also dated 10/21/10). If this occurs, the SRC1 district as drafted would effectively be removed from use in both developed and undeveloped areas.

Staff recommend that while this district could be eliminated from the palette of districts for future use with few anticipated negative effects, it may be worth keeping in case there are rare areas where it becomes important to ensure larger lots due to stormwater management limitations, topography, or other similar reasons.

CC – Commercial Center

This proposed district can be broadly compared to the C2 (General Commercial) or C3L (Commercial Service and Distribution) Districts, which have resulted in a wide variety of commercial development across the city. A majority of new commercial development in the City will occur in redeveloping, rather than undeveloped, areas. However, some NDPs (Northeast, Sprecher, etc.) recommend relatively large nodes of commercial and mixed-use development to serve newly developing areas. While other districts such as NMX (Neighborhood Mixed-Use) or MXC (Mixed-Use Center) may work best for many of these areas, limited use of the CC district could result in development consistent with the NDPs, particularly at locations where residential uses are not necessarily encouraged, or where a limited amount of front parking is appropriate to the use and location.

In addition to the existing “Big Box” standards, the CC District includes additional site and building design standards that are not in the existing zoning code, which will result in an improved and more predictable development pattern. Also, the CC District allows for up to 5-story buildings as a permitted use. To the extent that the NDPs include recommendations for more intensive commercial, mixed-use, or transit-oriented development, this district could be useful to apply to a parcel or groups of parcels during the platting stage.

Staff recommend maintaining the ability to utilize this district in undeveloped areas when the Plan Commission determines it is the most appropriate district to implement plan recommendations for a particular location.

CC-T – Commercial Corridor – Transitional

This district, which can be broadly compared to the existing C2 (General Commercial) District, is intended for use primarily in presently developed, automobile-oriented corridors planned for a transition more mixed-use, pedestrian-oriented development.

Similar to the CC District, it contains design standards not in the existing code, and allows for up to 5-story buildings as a permitted use. It differs from the CC district in that a wider variety of residential uses are allowed, and dwelling units in mixed-use buildings are a permitted use (they are a conditional use in the CC district).

While its name reflects the primary intent to use the CC-T District in developed and transitioning corridors, there could be instances where this district would work better for certain more intensive mixed-use and commercial development in new areas than could the NMX, TSS, MXC, or CC districts. However, it is difficult to fully evaluate the need for future application of this district in undeveloped areas until the frontage standards are finalized. The applicability of this district may depend on the specific standards approved for it, and whether it is distinct enough from the CC District to be useful in new areas.

Staff recommend maintaining the ability to utilize this district in undeveloped areas when the Plan Commission determines it is the most appropriate district to implement plan recommendations for a particular location.

SE – Suburban Employment

The SE District requires a minimum lot size of 20,000 square feet and allows for development up to 5-stories as a permitted use. Staff anticipate that this district could be used within areas planned for employment uses in a variety of contexts, including areas that are not necessarily suburban in character.

The district has several site design standards, including the requirement that a majority of surface parking is placed to the side or rear of buildings (it allows for up to two rows of parking between the primary street and the building). There is otherwise no setback requirement. Staff note that the statement of purpose reflects urban character and objectives.

An assessment of the employment areas in relevant NDPs (Northeast, Pumpkin Hollow, and Pioneer) showed that the SE District may not be absolutely necessary to implement them. However, it could be utilized in some cases and result in employment-oriented development consistent with these plans. For non-industrial employment uses, the SE stands out as a district that could be utilized by individual owners on a parcel-by-parcel basis, with greater flexibility regarding setbacks and parking placement.

It is anticipated that the EC (Employment Campus) District will be utilized for major, planned employment centers developed by a single entity under an approved Master Plan. However, the EC district requires a minimum lot size of 5 acres, and as an alternative, the SE District could be useful for areas that do not develop as integrated, planned sites.

The TE (Traditional Employment) District can be used to guide development on multiple individual parcels, but the frontage standards in the TE District may be too rigid to apply to all new employment developments in peripheral areas. For instance, 3 to 5-story buildings placed within 5 feet of the sidewalk might not be the most appropriate building design in some portions of undeveloped areas planned for future Employment uses.

Because of the flexibility in this district, staff sees value in maintaining the option to map future SE parcels. To limit future suburban applications, a small number of changes could be made to the district (including additional height or more specific frontage standards). However, staff believe this district should remain somewhat flexible and have standards distinct from the TE district.

Staff recommend maintaining the ability to utilize this district in undeveloped areas when the Plan Commission determines it is the most appropriate district to implement plan recommendations for a particular location.

Conclusion

In undeveloped areas, the Plan Commission and Common Council will review each proposed rezoning, usually in conjunction with a proposed plat, and often a proposed development, for consistency with adopted plans. A brief review of recently adopted neighborhood plans showed that most of the above districts could potentially be utilized, even if only to a limited extent, to implement certain land use recommendations. For this reason, staff generally recommends maintaining a wide variety of districts for potential use in the future, rather than limiting future options by determining at this point in time that certain districts should never be mapped.