

MEMO

RE: Proposed text amendment to the Mixed Use District

DATE: August 25, 2008

TO: Chairman Brad Finkeldei and Planning Commission Members:

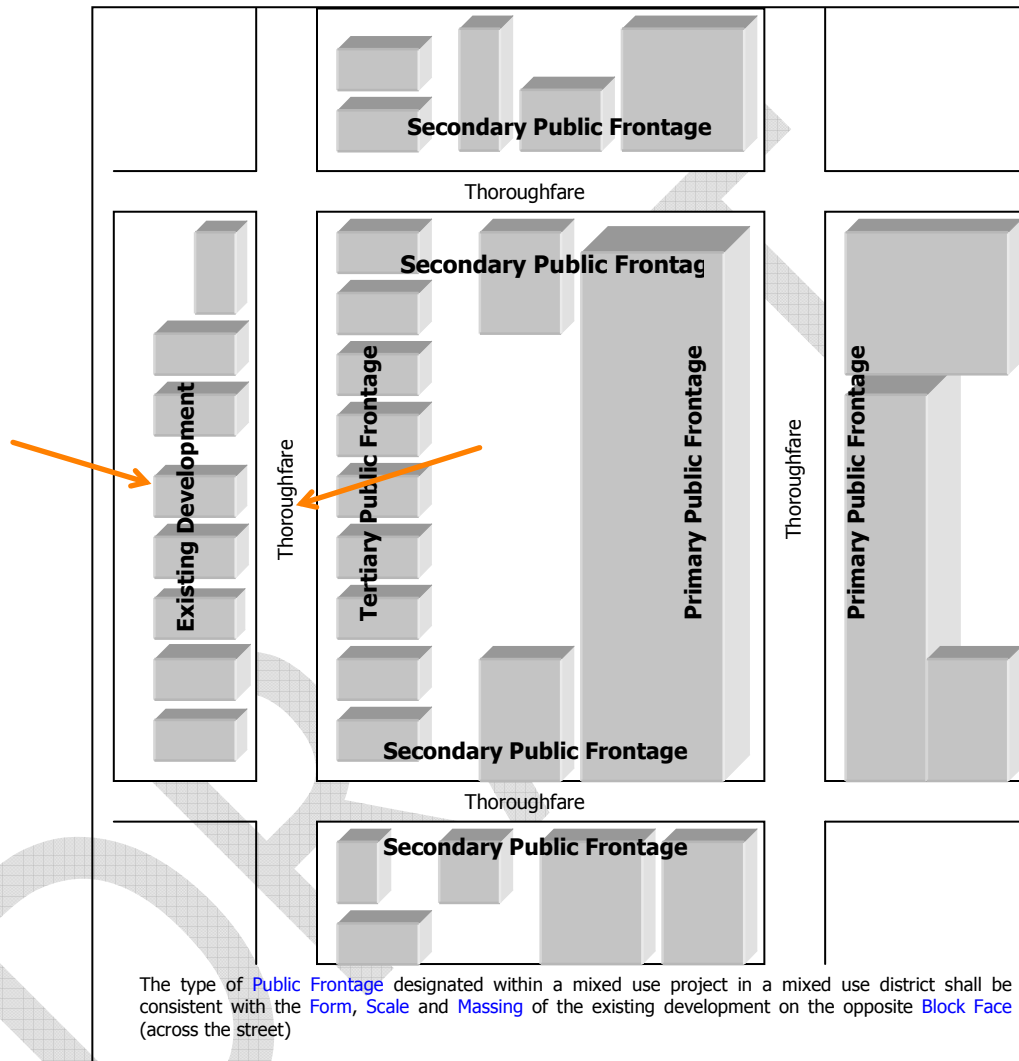
Dear Chairman Finkeldei and Planning Commissioners:

This message is in regard to the proposed change to the Mixed Use District to allow commercial uses in the Tertiary Public Frontage. (Please see attached illustration taken from the planning website.) Before making this change please carefully consider the ramifications. The Mixed Use District is allowed in a wide range of locations in existing areas. The Tertiary Frontage was designed to buffer the district from existing uses. This isn't a benign change, but rather, could have a major impact. One of the purposes of the Tertiary Frontage was to create a proper transition between the interior mixed uses and neighborhood areas. Use, as well as scale should be one of the important transitioning features and back-to-back positioning of incompatible uses has been considered in our Comprehensive Plan one of the needed transition features.

Therefore, while correcting the publication error, please do not make the mistake of eliminating the important protection of the buffering of uses provided by the Tertiary Public Frontage from the Mixed Use District by allowing commercial uses in the Tertiary Public Frontage.

Betty Lichtwardt

At the time of a request to rezone to the Mixed Use (MU) District, **Public Frontage(s)** shall be designated for each **Street** or **Thoroughfare** that is within or forms the boundary of the **Mixed Use** development or the MU zoning district. Such designation shall be provided in graphic and narrative form with the rezoning application. Any application to rezone to the MU District which does not include such information shall be deemed to be incomplete and insufficient.



The **Public Frontage** designations approved with the rezoning shall be shown on a site plan approved by the **Planning Director**. **Public Frontage(s)** shall be designated as per Sec. 20-1108(m)(1).

(1) Primary Public Frontage

A **Primary Public Frontage** shall be designated along each **Building Frontage** of a **Vertical Mixed Use Structure**. **Vertical Mixed Use Structures** must enfront upon all designated **Primary Public Frontages**. A **Primary Public Frontage** may be designated on more than one **Street** or **Thoroughfare** within a **Mixed Use** development. **Primary Public Frontage(s)** shall be comply with dimensional and form standards as shown in Section 20-1108(m)(2).

(2) Secondary Public Frontage

A **Secondary Public Frontage** shall be designated in a **Mixed Use** development in a **Mixed Use (MU) District** if a **Vertical Mixed Use Structure** is proposed. The **Secondary Public Frontage** shall be designated along the **Building Frontage** of any **Vertical Mixed Use Structure**. A **Secondary Public Frontage** may be designated on more than one **Thoroughfare** within a **Mixed Use** development. **Secondary Public Frontage(s)** shall comply with the dimensional and form standards as shown in Section 20-1108(m)(3).

(3) Tertiary Public Frontage

A **Tertiary Public Frontage** shall be designated along any **Public Frontage** in which the **Scale** and **Massing** of the proposed development is of a lower intensity than the remainder of the **Mixed Use** development.

Tertiary Public Frontages shall also be designated along any **Public Frontage** which faces existing development that is of a lower intensity in **Scale** and **Massing** than the proposed **Mixed Use** development. **Tertiary Public Frontages** shall comply with the dimensional and form standards as shown in Section 20-1108(m)(4).

(f) Form & Use Standards

Mixed Use Development shall be permitted in the following forms:

(1) Vertical Mixed Use Structures

Such structures are a minimum of two stories in height above grade and are typically constructed with little to no setback from the property line and must contain a combination of nonresidential uses and residential uses. The location of the uses within a **Vertical Mixed Use Structure** shall be as follows.

i. **Nonresidential Uses**

Any nonresidential use permitted in the applicable zoning district shall be permitted in a **Vertical Mixed Use Structure**.

ii. **Residential Uses**

Non-Ground Floor Dwelling(s) shall be permitted in a **Vertical Mixed Use Structure**. **Live/Work Unit(s)** are permitted on the ground level with direct internal access between the residential and nonresidential components of the unit, however, the nonresidential component of the unit must occupy the **Building Frontage** with the residential component of the unit located either above or behind the nonresidential component.

(2) Horizontal Mixed Use Structures

Such structures are one story in height above grade and may be constructed with little or no setback from the property line and may contain a combination of nonresidential uses and residential uses, though they typically contain a combination of various nonresidential uses such as office, services and retail. The location of the uses within as **Horizontal Mixed Use Structure** shall be as follows.

i. **Nonresidential Uses**

Any nonresidential use permitted in the MU District shall be permitted in a **Horizontal Mixed Use Structure**.

ii. **Residential Uses**

Live/Work Unit(s) are permitted in **Horizontal Mixed Use Structures** with direct internal access between the residential and nonresidential components of the unit, however, the nonresidential component of the unit must occupy the **Building Frontage** with the residential component of the unit located behind the nonresidential component.