

Winchell Neighborhood Plan Land Use/Zoning Sub-Committee Update: October 2018

Background

In their 2017 Master Plan, the City re-designated for Future Land Use all of the properties along Stadium Drive, between Howard Street and Rambling Road, as “Neighborhood Edge”, a land use designation that would allow for a mix of both residential and commercial development. All of those properties are currently zoned Residential. “Neighborhood Edge” designates the city’s preferred land use for the properties in the future and allows for those properties to be rezoned to Commercial or higher density Residential; it does not however, change any of the lands from their current Residential zoning designation.

In practice, this means that if/when a current or new owner of one of the five parcels on Stadium decides to develop the property, they will be able to propose anything allowable under the definition of “Neighborhood Edge,” and expect to get the property re-zoned to allow that.

We are attaching with this update what we believe (based on correspondence with the City around the time the Master Plan was being finalized) to be a complete list of allowable forms of development within “Neighborhood Edge.” It speaks for itself, and explains why so many in the neighborhood have been alarmed and have reached out to the ODWNA since the City ratified this change in the Fall of 2017 with the passage of the Master Plan.

Lack of Progress

In 2017, the City assured the neighborhood that the “Neighborhood Edge” was a “10,000 foot view” – a generic concept that could and would be refined to better suit each part of the city to which it had been applied.

In the Summer of 2018, we met with the City as part of our Neighborhood Plan development to begin the process of discussing and refining the Neighborhood Edge concept to better suit our neighborhood’s Neighborhood Edge designation.

At that time, the City only gave us one option – to develop a *non-enforceable* concept (“Bubble Plan”) which would be a vision of what our neighborhood would like to see for development in those areas. The City and developer(s) would then have the option, at the appropriate time, to consider our vision and choose to implement none, some or all of it at their discretion.

Our committee’s request to negotiate an *enforceable*, narrower definition of allowable development within the “Neighborhood Edge” designation was not permitted; we were told that neighborhoods will not be able to modify the Neighborhood Edge designation.

Therefore, the current status is that the five Stadium Drive properties will remain open to the City’s and any future developer’s interpretation of what “Neighborhood Edge” should allow them to do.

Because this is all privately-owned land, we have no other leverage in the situation. Without any ability to constrain the future land use, zoning or density – to eliminate or modify anything in the current land use definition – we can’t do anything to help prevent the development of student apartments, loud retail, paving over of natural features, etc.

We Have One Tool at Our Disposal

The City has invited the neighborhood to develop a detailed written and illustrated vision of what we think the whole Stadium strip should look like – based on how we would apply (and not apply) the parameters of “Neighborhood Edge” (the “Bubble Plan”).

This beautiful and compelling vision would be officially inserted into the Master Plan, and it would be referenced at any point in the future when someone proposed development of the properties. Again, this would be a *non-enforceable* vision. Presumably, the City and the developer would then haggle over the distance between “Neighborhood Edge’s” full range of zoning possibilities and the Master Plan vision.

So, this is not nothing. It gives the neighborhood the opportunity to come together again and brainstorm a solution that fits in the City's box but also fits our neighborhood.

Other neighborhoods have used this Neighborhood Plan/Master Plan opportunity well, although none of them involve anything comparable to figuring out the future of huge spaces of open and forested private land, in an odd location, at a major intersection, pressed up against a residential neighborhood.

What's Next

Interested people in the neighborhood need to reconvene to discuss what our vision should be. However, we cannot do it yet, because the City has still not defined what is/isn't allowed in the "Neighborhood Edge" land use designation, as we were also informed that all current zoning districts would be changing in a year or so, so to include specific zoning districts into our Bubble Plan would be useless. Until "Neighborhood Edge" is updated to reflect those new categories/terms, we won't have an accurate framework for a Neighborhood Plan.

The City is also still working on what "Natural Features Protection" will actually mean. (It currently has no enforceable definition.) The Stadium Dr. properties have large areas marked off with that designation in the Master Plan, so we can't do anything until we know what it means.

Once we have that information, we can start work again. We will likely need professional help to fully understand the properties, understand how functional/meaningful development could occur on them, and document/illustrate the vision we come up with.

Our goal is to still have *enforceable* zoning districts/development parameters within the Neighborhood Edge areas that are agreeable to **both** the City and our neighborhood, and we stand ready to continue the discussions with them.

09-13-17 (per City Planner conversations/emails)

Current Possible Commercial and Residential Zoning Districts to be allowed within Neighborhood Edge

CMU, Commercial Mixed Use.

1. Description and Purpose. The CMU, Commercial Mixed Use district is **intended to accommodate a variety of styles and densities of commercial land uses, as well as duplex and multi-family units and public and civic uses.** This district **is intended to be used in areas where the predominant character of development is nonresidential**, but separation of residential and nonresidential uses is not necessary, and the **intention is for a broader mix of residential and nonresidential uses in the future.** The CMU district **will generally be used in conjunction with an overlay district** specifying in more detail the intended scale, density, and style of permitted development.

CNO, Commercial Neighborhood Office District.

1. Description and Purpose. The CNO, Commercial Neighborhood Office district is **primarily intended to accommodate low-intensity administrative and professional offices that are compatible with the character of residential neighborhoods.** The district is **also intended to be used as a transition district** between higher intensity commercial areas and residential neighborhoods. The district allows administrative and professional office uses in structures that formerly housed residential dwelling units. **Residential uses are also allowed in the district when located in a mixed-use structure** (one containing office and residential uses).

CN-1, Local Neighborhood Commercial District.

1. Description. The CN-1, Local Neighborhood Commercial district **is primarily intended to encourage the development of very small scale retail sales and personal service uses within or very near residential neighborhoods.** The regulations and standards promote pedestrian-oriented development at an intensity level that is compatible with surrounding residential areas. **Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas.**

CN-2, Neighborhood Shopping Center District.

1. Description. The CN-2, Neighborhood Shopping Center district **is primarily intended to encourage the development of small-scale retail sales and personal service uses at convenient locations that primarily serve nearby residential neighborhoods.** The standards for the CN-2 district **promote pedestrian-oriented development at an intensity level that is compatible with surrounding residential areas.** **Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas.**

§ 2.2. R, Residential Districts.

All residential zoning district names begin with the letter “R,” which is a short-hand reference to “residential.” The second letter of all “R” district map symbols (other than the RMHP district) provides an indication of the primary characteristic of the district — “S” for single dwelling, “D” for duplex, and “M” for multi-dwelling.

Residential districts that end with a number provide a short-hand reference to the maximum density allowed in the district (expressed in terms of the number of dwelling units allowed per acre of land area). The RM-15 district, for example, is a residential zoning district that is primarily intended for multi-unit building types, with a maximum allowed density of 15 units per acre.

A. RS, Residential Single-Dwelling Districts.

1. Description and Purpose. The primary purpose of the RS districts is to accommodate the development of single dwelling units on individual lots. The districts are intended to create, maintain and promote primarily

owner-occupied housing, although they do permit nonresidential uses that are compatible with residential neighborhoods.

2. Allowed Uses. See § 4.1: Use Table, for a list of uses allowed in all R districts.

3. Density/Intensity/Dimensional Standards. See § 5.1: Residential District Standards, for the Density, Intensity and Dimensional standards that apply in all R districts except the RMHP district.

4. Development Standards. See Chapter 6: Development Standards, for Development Standards that apply in all the R districts.

5. Occupancy Limits in RS Districts. **An owner-occupied, one-family dwelling unit in any RS district may be occupied by a family or a maximum of three unrelated adults.** [Note: three unrelated adults are allowed because a family may be defined as any two unrelated adults, and a family may have one roomer (2+1=3).] The keeping of one roomer in an owner-occupied, one-family dwelling unit that is occupied by a family is permitted. **A non-owner-occupied, one-family dwelling unit may only be occupied by a family, or a maximum of two unrelated adults.**

B. RD, Duplex Districts.

1. Description and Purpose. The primary purpose of the RD districts is to **accommodate the development of two-family dwellings** (duplexes or attached houses) **and single dwelling units** on individual lots.

2. Allowed Uses. See § 4.1: Use Table, for a list of uses allowed in all R districts.

3. Density/Intensity/Dimensional Standards. See § 5.1: Residential District Standards, for the Density, Intensity and Dimensional standards that apply in all R districts except the RMHP district.

4. Development Standards. See Chapter 6: Development Standards, for Development Standards that apply in all the R districts.

5. Occupancy Limits in RD Districts. An owner-occupied dwelling unit in any RD district may be occupied by a family, or a **maximum of four unrelated adults**. The keeping of one roomer in an owner-occupied dwelling unit that is occupied by a family is permitted. A non-owner-occupied dwelling unit may only be occupied by a family or a maximum of four unrelated adults

C. RM, Multi-Dwelling Districts.

1. Description and Purpose.

a) General. The primary purpose of the RM districts is to accommodate the development of multi-unit housing (i.e., more than one dwelling unit per lot). The districts are **intended to create, maintain and promote a mix of housing opportunities for City residents.**

b) **RM-15C.** The RM-15C district is **intended to protect and enhance those areas developed or likely to develop with medium-density, multiple-family dwellings close to institutions of higher education.** The district regulations are designed to promote a suitable environment for a variety of residential types and provide regulations to address increased off-street parking needs, ensure building designs that are compatible with a campus community and prevent overcrowding. **The RM- 15C district has higher parking requirements for multi-family dwellings, to reflect the generally higher occupancy of such units near institutions of higher education.**

2. Allowed Uses. See § 4.1: Use Table, for a list of uses allowed in all R districts.

3. Density/Intensity/Dimensional Standards. See § 5.1: Residential District Standards, for the Density, Intensity and Dimensional standards that apply in all R districts except the RMHP district.

4. Development Standards. See Chapter 6: Development Standards, for Development Standards that apply in all the R districts.

5. Occupancy Limits in the RM-15C District. An **owner-occupied dwelling unit in the RM-15C district may be occupied by a family or a maximum of six unrelated adults.** The keeping of two roomers in an owner-occupied dwelling unit that is occupied by a family is permitted. A **non-owner-occupied dwelling unit may only be occupied by a family or a maximum of six unrelated adults.**

Per Above – Allowed Uses (Table 4.1 – City Ordinances)

RM-15C

RESIDENTIAL

- Detached
- Attached
- Cluster Housing Development
- Duplex
- Multi-Unit Dwelling
- Fraternity or Sorority (*Special Use Permit required*)

COMMERCIAL

- Day-Care Home, Family (6 or Fewer Residents)
- Bed-and-Breakfast Inn

CMU, Commercial Mixed Use

RESIDENTIAL

- Duplex
- Multi-Unit Dwelling
- Group Living
 - Adult Foster Care Family Home (6 or Fewer Residents)
 - Adult Foster Care Small Group Home (6 or Fewer Residents)
 - Adult Foster Care Medium/Large Group Home (7 to 20 Residents)
 - Foster Family Group Home (5 or 6 Children)
 - Foster Family Home (4 or Fewer Children)
 - Nursing/ Convalescent Home
 - Assisted Living Facility
 - Rehabilitation Center (Live-In Facilities With Up To 6 Beds)

COMMERCIAL

- Animal Service
 - Grooming
 - Sales
 - Veterinary Clinic
- Day Care -
 - Home, Family; (6 or Fewer Residents)
 - Home, Group (7 to 12 Residents)
 - (Commercial or Institutional)
- Eating and Drinking Establishments
 - Fast Order Food *Without* Drive-Through
 - Sit Down Restaurant
 - Tavern or Lounge
 - Brewpub
 - Tearoom
- Entertainment and Sports, Spectator
 - Limited
- Food Sales (Grocery)
- Bed-and-Breakfast Inn
- Medical Service
- Office, Administrative or Professional
- Personal Convenience Service

- Personal Improvement Service
- Repair Service, Consumer
- Retail Sales and Service, Indoor

INDUSTRIAL

- Microbrewery
- Recycling Facilities - Small Collection Facility

CNO, Commercial Neighborhood Office District

RESIDENTIAL

- Detached
- Attached
- Duplex

COMMERCIAL

- Day Care -
 - Home, Family; (6 or Fewer Residents)
- Financial, Insurance, and Real Estate Services
- Bed-and-Breakfast Inn
- Medical Service
- Office, Administrative or Professional

CN-1, Local Neighborhood Commercial District

RESIDENTIAL

- Multi-Unit Dwelling
- Group Living
 - Adult Foster Care Family Home (6 or Fewer Residents)
 - Adult Foster Care Small Group Home (6 or Fewer Residents)
 - Adult Foster Care Medium/Large Group Home (7 to 20 Residents)
- Rooming/Boardinghouse

COMMERCIAL

- Day Care -
 - Home, Family; (6 or Fewer Residents)
 - Home, Group (7 to 12 Residents)
- Eating and Drinking Establishments
 - Fast Order Food *Without* Drive-Through
 - Sit Down Restaurant
 - Tearoom
- Financial, Insurance, and Real Estate Services
- Convenience Stores
- Food Sales (Grocery)
- Bed-and-Breakfast Inn
- Medical Service
- Office, Administrative or Professional
- Personal Convenience Service
- Personal Improvement Service
- Repair Service, Consumer
- Retail Sales and Service, Indoor

CN-2, Neighborhood Shopping Center District

RESIDENTIAL

- Multi-Unit Dwelling
- Group Living
 - Adult Foster Care Family Home (6 or Fewer Residents)
 - Adult Foster Care Small Group Home (6 or Fewer Residents)
 - Adult Foster Care Medium/Large Group Home (7 to 20 Residents)
- **Transitional Residences**
- Nursing/ Convalescent Home
- Assisted Living Facility
- **Rooming/Boardinghouse**

COMMERCIAL

- Animal Service
 - Grooming
 - Sales
 - Veterinary Clinic
- Day Care -
 - Home, Family; (6 or Fewer Residents)
 - Home, Group (7 to 12 Residents)
 - **(Commercial or Institutional)**
- Eating and Drinking Establishments
 - Fast Order Food *Without* Drive-Through
 - Sit Down Restaurant
 - Brewpub
 - Tearoom
- **Entertainment and Sports, Spectator**
 - **Limited**
 - **General** (*I believe this is a full blown, charge-for-admission stadium*)
- Financial, Insurance, and Real Estate Services
- Food Sales (Grocery)
- Funeral Home
- Bed-and-Breakfast Inn
- Medical Service
- Office, Administrative or Professional
- Personal Convenience Service
- Personal Improvement Service
- Repair Service, Consumer
- Retail Sales and Service, Indoor