

## MEMORANDUM

TO: Planning Commission

FROM: Planning Staff

DATE: April 9, 2019

SUBJECT: Amendment to UDC to allow restaurant, bar and food service use in O district with use specific standards

A petition to amend the UDC to allow restaurant, bar and food service use in the O district with use specific standards was postponed on March 19, 2019 for further discussion at a working session.

The proposed petition amended Table 5-15 in Section 5.15 to identify restaurant, bar and food service use with a P in the O district column and cross reference to Section 5.16.3.L, and added standards for this use/district combination to Section 5.16.3.L.

With the proposed standards requiring a minimum lot size of 4 acres and a minimum floor area of 100,000 square feet, the amendment would offer the option to develop restaurant use on three sites, at 777 East Eisenhower Parkway, 789 East Eisenhower Parkway, and 2723 South State Street. Planning Commission asked staff to explore options and impacts of lowering the proposed standards so that more sites could be eligible to develop restaurant use.

### **Additional Data and Background Information**

Planning Commission asked for additional data and background information to help inform a working session discussion about expanding the opportunities for restaurant use in O districts. In no particular order:

- a. The O district is a mixed use zoning district (section 5.12) intended “primarily for office buildings. The office district classification will be applied as a transitional use buffer between residential uses and nonresidential and special purpose<sup>1</sup> uses which would be incompatible in direct contact with residential zoning districts(section 5.12.1).”
- b. The average size of a ...
  1. coffee or bagel shop = 2,000 square feet
  2. convenience store, such as 7-Eleven or Circle K = 2,000 to 4,000 square feet

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<sup>1</sup> Nonresidential and special purpose districts (section 5.13) include R5 Hotel, P Parking, PL Public Land, RE Research, ORL Office/Research/Limited Industrial, M1 Limited Industrial, M1A Limited Light Industrial, M2 Heavy Industrial and PUD Planned Unit Development.

3. full service chain restaurant = 5,000 to 8,000 square feet
  4. small grocery store, such as ALDI or Busch's = 10,000 to 30,000 square feet
  5. big box retailer, such as Target or Meijer = 100,000 to 200,000 square feet
- c. The location of office districts falls into two very loose categories:
1. As buffers between commercial areas or major roads and residential neighborhoods



Figure 1 - Example of O district as buffer between commercial area and residential neighborhood (Collingwood Dr between Jackson and Fair St)



Figure 2 - Example of O district as buffer between major road and residential neighborhood (South Main, south of Pauline Blvd)

## 2. Creating modern office complexes

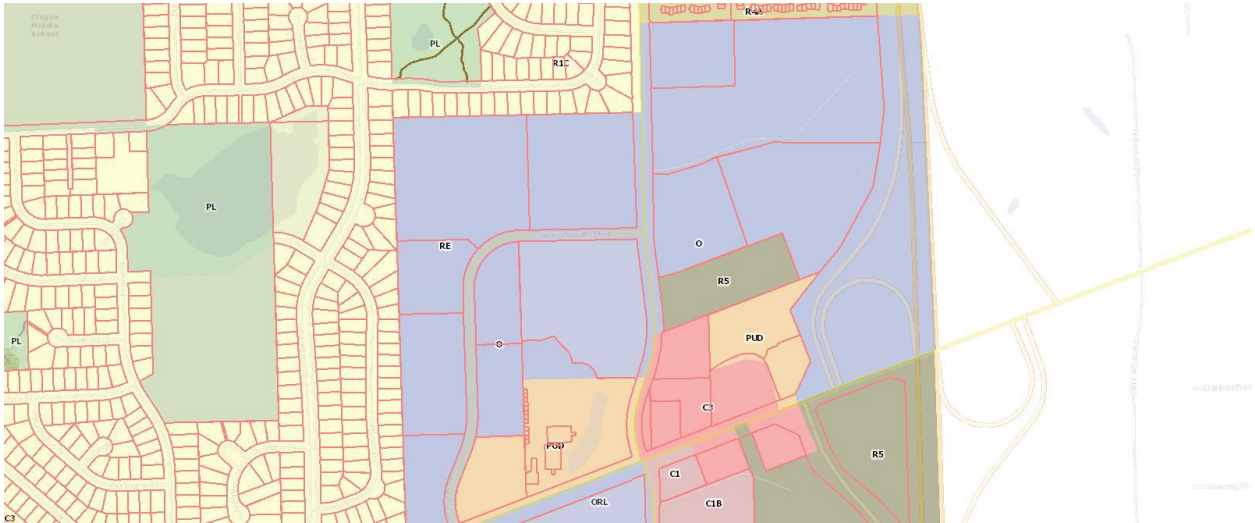


Figure 3 - Example of O district creating office complex (Green Road north of Plymouth Road)

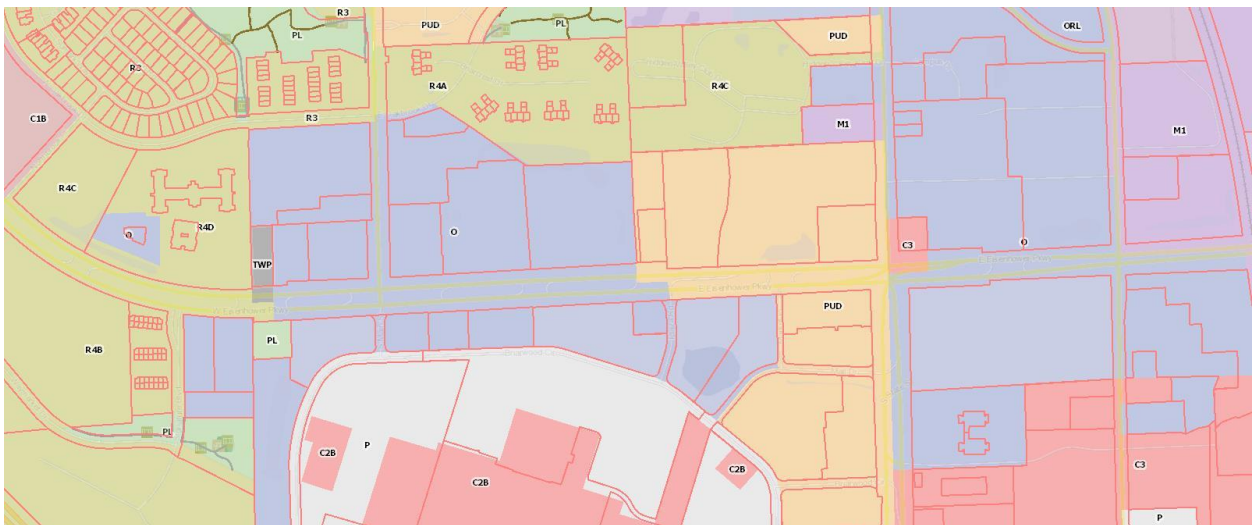


Figure 4 - Example of O district creating office complex (South Main Street at West Eisenhower Boulevard)

- d. There are approximately 70 office districts in the city ranging in size from 6,000 square feet to 3,600,000 square feet (82 acres).
- e. The amount of land zoned office is similar to the land zoned commercial. There are 21,911,090 square feet of land zoned O and 29,067,110 square feet of land zoned C or D. That's about 500 acres zoned O and 667 acres zoned C or D.

## **Options and Considerations**

Staff offer the following options to consider to shape the proposed text amendment. Please discuss and recommend one to be presented as a revised amendment at a continued public hearing.

- I. Lower, or eliminate, the proposed thresholds for lot area and building size. This would increase the number of eligible sites that could host a restaurant in addition to office use. It would apply throughout the city anywhere there is office zoning as long as the criteria are met.

This approach offers the least protections in terms of minimizing competition or cannibalizing nearby commercial areas, and maintaining the intent of office districts as buffers to residential neighborhoods, but does offer the greatest opportunity to move the office district further into a mixed use zone as well as offer the greatest transparency to office land owners.

- II. Allow restaurant use in proportion to office use. Staff suggest 10% of the floor area in an office district could be restaurant use. A threshold criteria could be when the floor area of the restaurant itself, or the entire parcel, is at least 300 feet from the boundary of any residential zoning district. Ten percent is the same allowance for retail uses in special purpose zoning districts. Three hundred feet is the current setback required for unlimited building height in the O district.

The restaurant use would be then a permitted use in the O district, allowed anywhere there is office zoning as long as the criteria are met. It offers basic protections against negative impacts while still being straightforward and has a predictable approval process for applicants.

- III. Allow restaurant use as a special exception use. Restaurants could be allowed with or without threshold criteria – minimum lot size requirements, maximum restaurant floor area allowances – but with specific approval standards that are focused on achieving Planning Commission's goals, and specific conditions could be required for each restaurant. For example, preference could be given to petitions that have no commercial areas, or existing restaurants, within walking distance, and

This approach would ensure minimizing any impacts to nearby established commercial areas and adjacent residential neighborhoods, but would add uncertainty to the approval process for potential applicants. It has the lowest approval predictability for applicants which may artificially limit the number of new restaurant uses.