

PLANNING COMMISSION CASE REPORT**Case Number: 2016-064****PC Meeting Date: 05-09-16****Applicant Request****Request to Lift Condition #2A; 3A; 5A; 5B(1); 6A; 6B; 6C; 6D of Ordinance #12989**

Property Location:	276 West 21st Street
Property Owner:	Henry Franklin
Applicant:	Henry Franklin

Project Description

- Proposal: Applicant built a shed on site without acquiring the required building permit. To acquire a building permit all buildings must meet zoning requirements and conditions which, in this case, requires a zero building setback along West 21st Street. The applicant is requesting to lift condition 2A to allow for existing shed (located approximately 20 feet from the street) to apply for a building permit.
- Condition 2A of Ordinance #12989 states:
 - "2. Setbacks.*
 - A. For new multi-family buildings three (3) stories in height or greater, and for all new nonresidential buildings, a zero building setback is required along the street frontage.*
 - (1) To accommodate outdoor pedestrian activities including a park, plaza, or outdoor dining, a greater setback is permitted if a street edge delineating the public and private space is provided in accordance with Condition 6.A.*
 - (2) For multi-family buildings three (3) stories in height or greater, a greater setback is permitted if entrances to individual units front the street.*
 - (3) For new single-family detached, duplex, townhome, and multi-family structures less than three (3) stories in height, building setbacks shall be consistent with the existing setbacks on the same side of the street."*
- Condition 3A of Ordinance #12989 states:
 - "3. Height Requirements.*
 - A. The Minimum height of new nonresidential buildings shall be eighteen (18) feet.*
- Condition 5A and 5B(1) of Ordinance #12989 states:
 - "5. Off-street Parking.*
 - A. New off-street parking shall not be permitted between a building and the primary street frontage.*
 - B. For new construction of a primary building, or improvements altering more than twenty-five percent (25%) of the parcel that is covered in pavement (including gravel, impervious surfaces, and pavers), the following is required:*
 - (1) Off-street parking fronting a public street shall be screened from the right-of-way with a street edge in accordance with Condition 6A. Front end in or parallel parking along alleys is exempt from this requirement.*
- Condition 6 A-D of Ordinance #12989 states:
 - "6. Street Frontages.*
 - A. Where a street edge is required, it shall be provided as follows:*
 - (1) The street edge shall have a minimum height of three (3) feet and a maximum height of four (4) feet above grade and shall consist of:*
 - (2) Brick, stucco, or stone walls (concrete block is permitted if faced with said materials); or*
 - (3) A decorative metal fence with landscaping a minimum of three (3) feet in height at maturity, providing a year-round near opaque screen; or*
 - (4) An evergreen hedge, with a minimum height at maturity of three (3) feet.*
 - (5) Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.*

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B. Ground floor openings (doors and windows) shall constitute a minimum of fifty percent (50%) of the ground floor facade area for new non-residential buildings.

C. Eighty percent (80%) of the ground level building facade, facing primary streets, shall be designed as leasable space and shall not include parking lots. a. The remainder of the ground floor may be designed to incorporate parking, provided the parking is completely screened from public view.

D. No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.”

- Proposed Access: Entrance on West 21st Street.
- Proposed Development Form: Existing one-story shed.

Site Analysis

Site Description

- Location: The ½-acre site is located on the south side of West 21st Street between Broad Street and Williams Street directly adjacent to the Interstate 24 on-ramps.
- Current Access: Entrance on West 21st Street.
- Current Development form: There are mostly one-story buildings within a 4-block distance of this downtown urban site. The existing shed/garage is located approximately 20 feet from West 21st Street.
- Current Land Uses: There is a mixture of warehousing and other non-residential uses within a 4-block distance of this site

Zoning History

- The site is currently zoned C-3 Central Business Zone with conditions (see Project Description above).
- The site was rezoned from M-1 Manufacturing Zone to C-3 Central Business Zone in 2015. (Ordinance #12989).
- Most properties within a 500-foot radius of the site are zoned M-1 Manufacturing. Some C-3 Central Business zoning exists one block north of the site. The property to the east is zoned C-2 Convenience Commercial.

Plans/Policies/Regulations

- The Downtown Plan (adopted by City Council in 2004) recommends mixed use development, including residential, in the general vicinity.
- The C-3 Central Business Zone permits residential and non-residential uses but with a required urban development form.
- These properties are included in the Form-Based Code (FBC) study area.

Key Findings

- The proposal to lift conditions is meant to alleviate a self-imposed hardship.
- The proposal is not supported by the adopted Land Use Plan for the area which recommends mixed use development within a specific form.
- The proposal would come into conflict with the proposed Form Based Code recommendation, should the Form Based Code be adopted within the next few months.
- The proposed use is compatible with surrounding uses.
- The proposal is not consistent with the development form of the area.
- The proposal to lift conditions would allow a structure to be built which would raise concerns regarding location, lighting, or height.
- The proposal would set a precedent for future requests as it removes standard conditions for the C-3 Central Business Zone which were placed on surrounding parcels.

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Staff Recommendation

Deny.