

PLANNING COMMISSION REPORT
Regular Agenda -Public Hearing Item

PC Staff Report
1/25/2019

**ITEM NO. 13 SMARTCODE COMMUNITY INFILL PLAN REDEVELOPMENT PROJECRT
1401 W. 23RD STREET (SLD)**

ITEM NO. 13A COMMUNITY INFILL PLAN; SMARTCODE (SLD)

Consider a request to establish a community infill plan associated with a SmartCode application at 1401 W. 23rd St & 1300 W. 24th St. Submitted by Opus Development Company LLC, for George B. Leinmiller and Marlene J. Leinmiller, property owners of record.

WARRANTS AND VARIANCES

The Smart Code allows two types of deviations from the requirements and standards. **Warrants** are minor, technical deviations that would permit a practice that is not consistent with a specific provision of the SmartCode, but is justified by its purpose (SmartCode, Section 21-100.2). **Variances** are any deviation that does not meet the definition of a warrant and shall be granted in accordance with the Board of Zoning Appeals (Land Development Code, Section 20-1309).

Certain items are not permitted to be consider for a warrant or variance and include the following:

1. Allocation ratio of each Transect Zone (Table 14A) – Not applicable to this project.
2. Maximum dimensions of traffic lanes (Table 3) – Not applicable to this project.
3. Required provision for rear alleys and rear lanes – Not proposed for this project.
4. Minimum Base Residential Density (Table 14B) – Project exceeds minimum required residential density.
5. Permission to build Outbuildings.¹ – Not applicable to this project
6. Parking Requirements (Table 12) – Project exceeds the minimum required off-street parking for the proposed uses.

ATTACHMENT

1. Request and justification for warrants
2. Proposed Infill Community Plan

PROCESS

Assuming the developer has successfully petitioned for rezoning to the SmartCode and an approved infill or greenfield community plan has been approved, the developer may seek application for a lot-scale projects, submit Article 5a (Section21-500.1.5.a) and Article 5b (Section 21-500.1.5.b) applications to the Consolidated Review Committee (CRC). The CRC is an administrative review body. Whether a deviation requires a warrant or variance shall be determined by the CRC pursuant to guidelines developed by the CRC. At this time, formal guidelines have not be defined or published for evaluating a deviation. This project includes an aspect of setting precedence because it is the first project submitted since the adoption of the SmartCode.

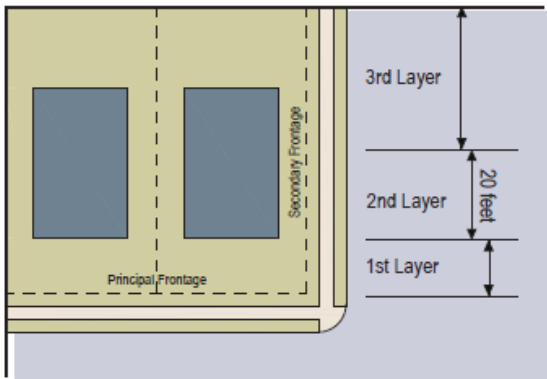
This application includes four warrant requests. The proposed warrants are included in the Planning Commission documentation for reference. The Planning Commission is not required to act on warrants and only the Board of Zoning Appeals is permitted to approve a variance. The following discussion provides context.

¹ This requirement pertains the use of outbuildings as accessory dwelling units and is not applicable to this project

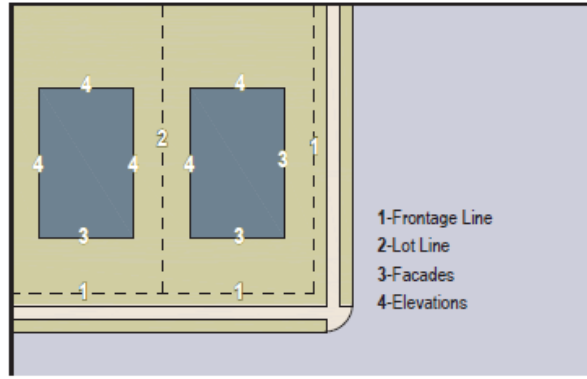
Deviation 1:

All Parking shall be located in the Third Lot Layer (21-500.5.4 (f))

d. LOT LAYERS

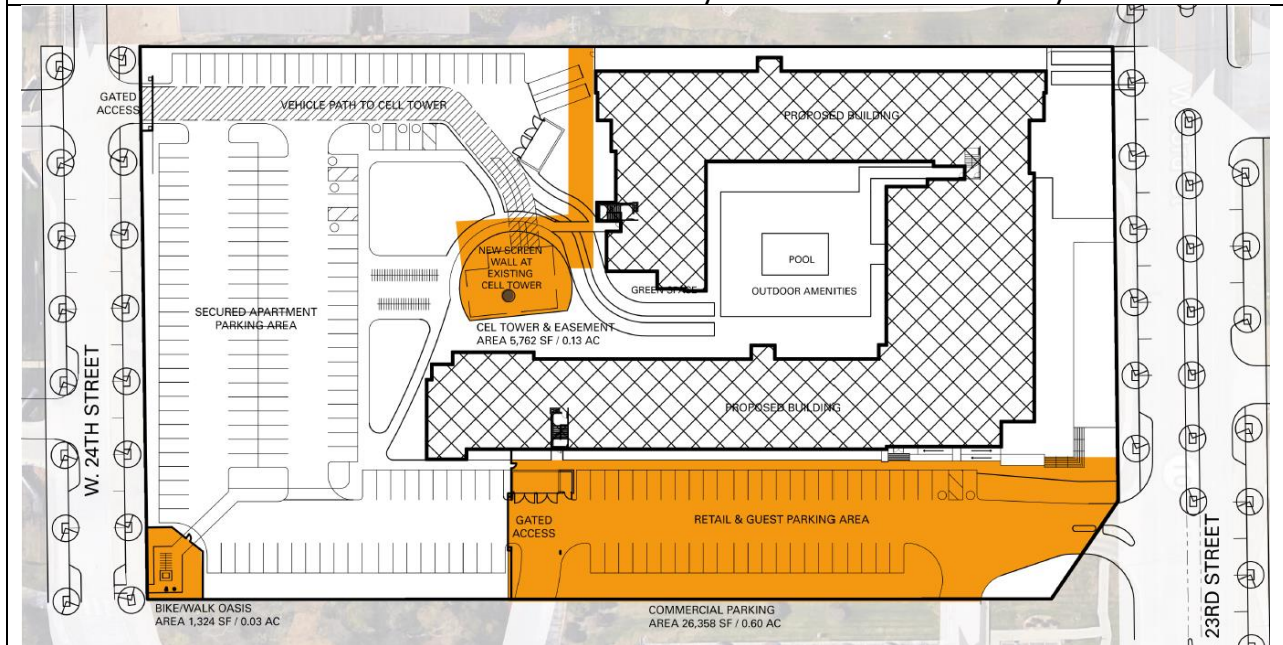


e. FRONTAGE & LOT LINES



General parking standards are set out in Section 21-500.5.4. The SmartCode defines how lots shall be used, and in what portions of the lot certain uses can be located. This project includes off-street parking located along the east side of the building near W. 23rd Street. This parking accommodates commercial uses that front W. 23rd Street.

The site is not designed with a rear alley or on-street parking. The nearest parking for the commercial use would be located in the 1st and 2nd layer of the lot for accessibility considerations.

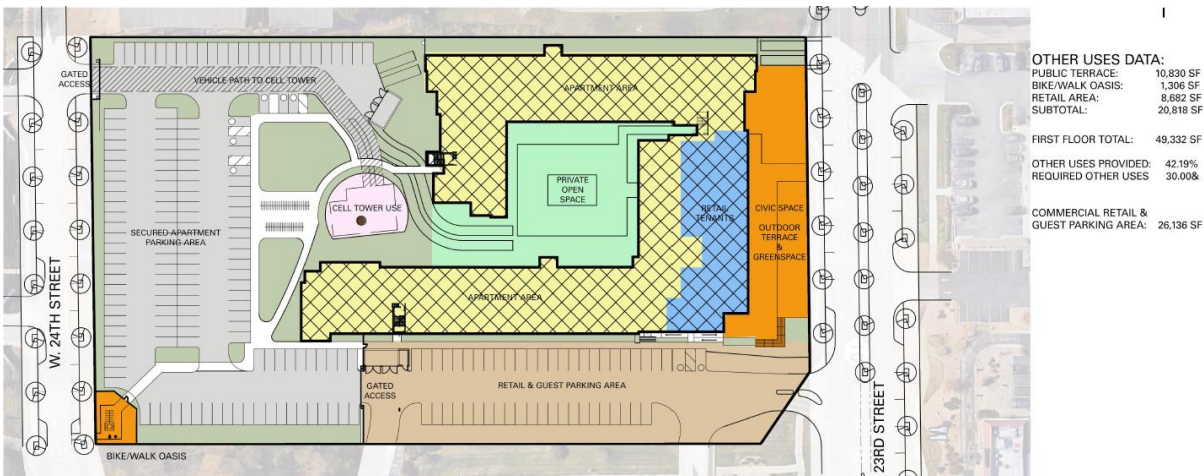


Deviation 2:

Minimum Base Density: 30% "other" functions (Table 14, Summary B, Minimum Base Density)

The proposed plan deviates from meeting the required "other" functions within the project. The applicant measured the use of "other" functions based on the total area of the first floor (49,332 square feet).

The SmartCode does not define how this criterion shall be evaluated. The unit of measure influences the outcome of the mix of uses. Density is defined based on land area. The purpose of the SmartCode is to implement mixed-use developments. Staff reviewed the requirement for "other" functions based on the lot area (4.4390 acres), not the footprint of the first floor of the building.



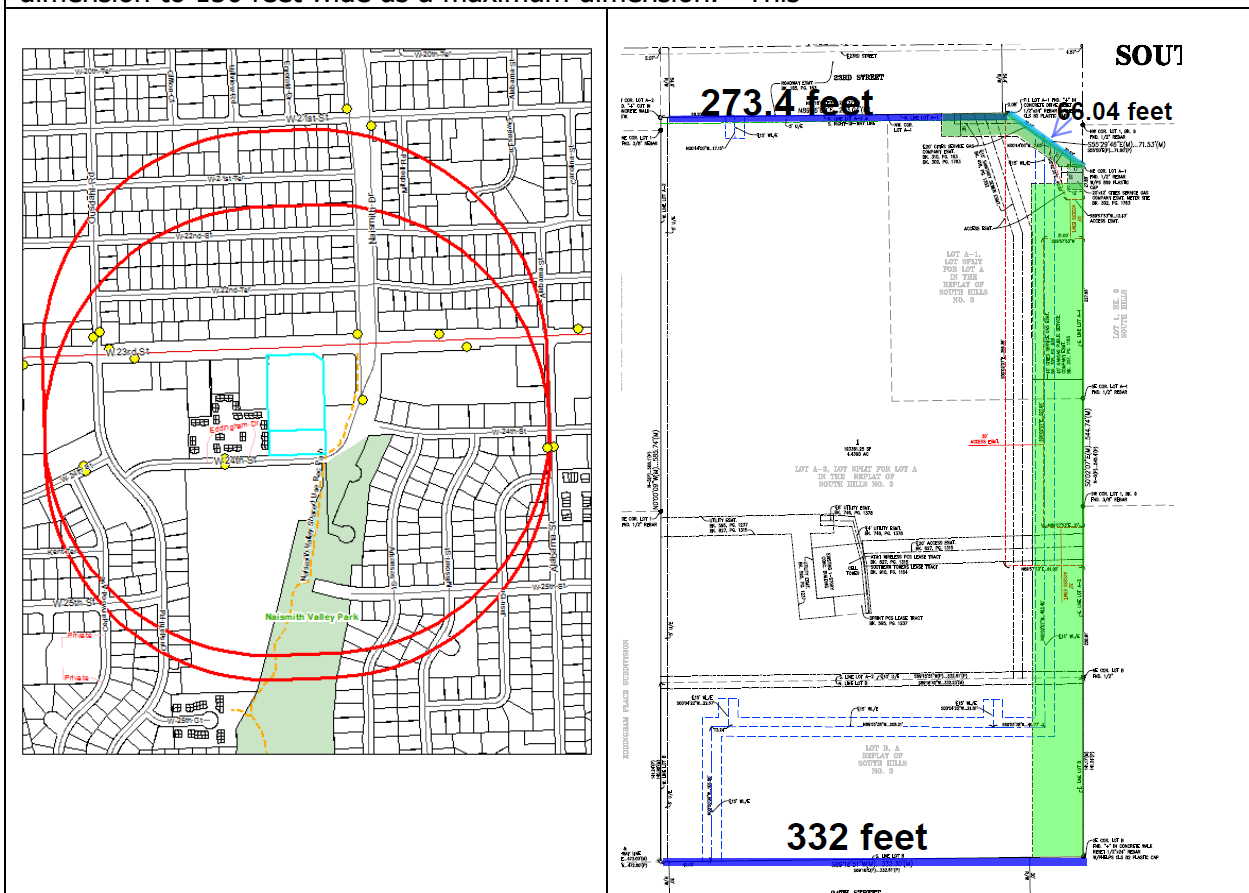
Staff finds that the total land area attributed to "other" functions is only 23%. A larger project encompassing multiple lots would be better able to meet the mix requirement than a single lot.

"Other Functions"	Square feet	Acres	Percent
Commercial Space	26,136.0	0.60	14%
Retail	8,682.0	0.20	4%
Parking	17,454.0	0.40	9%
Civic	12,136.0	0.28	6%
Bike	1,306.0	0.03	1%
Terrace	10,830.0	0.25	6%
Cell Tower	5,762.0	0.13	3%
Total	44,034.0	1.01	23%
Total Site Area	93,361.3	4.439	

Deviation 3:
Maximum Lot Width, 150 feet (Table 14, Summary F, Lot Occupation)

Conventional development may include larger buildings and “big box retail” structures that are not conducive to pedestrian-scale walkable neighborhoods. The lot size and configuration is discussed in the body of the minor subdivision staff report. Development is based on pedestrian sheds that are typically one-quarter mile in length with a high degree of amenities that support pedestrian, scale and use, including lot and block sizes. For this reason, lot and block sizes are prescribed in the SmartCode.

This project includes only one lot within a developed urban block bounded by W. 23rd Street on the north, Naismith Drive on the east, W. 24th Street on the south and Ousdahl Road on the west. Within the subdivision context, lots would range from 25 feet wide as a minimum dimension to 150 feet wide as a maximum dimension. This



The above graphics shown the location of within the context of the block, and the details of the lot, including the exclusive 40 foot gas line easement located along the eastern property line.

Deviation 4:

Building Setback (Table 14, Summary G, Building Disposition)

The building exceeds of the maximum 12-foot building setback permitted in the SmartCode for W. 23rd Street and from the east property line. The location of the gas line easement forces the building to the west. The applicant sites grade changes in addition to the easement encumbrances that have resulted in the proposed building placement. The setback of the building, as proposed, creates a new terrace area along W. 23rd Street that provides civic space not found along the corridor or along the block face.

	T-5 (Urban Center) Zone	Minimum	Maximum
	Front Setback	0 feet	12 feet
	Side Setback - total	0 feet	12 feet
	Proposed		
	Front Setback		46 feet
	East Side Setback		90 feet east side
	West side Setback		14 feet west side
Rear Setback		197 feet	