

Board of Adjustment

Staff Report

CASE NUMBER: BA16-046 (PLN2016-00578)
STAFF PLANNER: Kaelee Wilson
LOCATION/ADDRESS: 1433 and 1457 West University Drive
COUNCIL DISTRICT: Council District 3
OWNER: Jiang Chen
APPLICANT: Bob Long, Design Portfolio

REQUEST: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow for the expansion of a management office for an existing apartment complex in the RM-3 and RM-2 zoning districts.

SUMMARY OF APPLICANT'S REQUEST

The request for a SCIP will allow an existing apartment complex construct a new leasing office.

STAFF RECOMMENDATION

Staff recommends **approval** of case BA16-046, *conditioned upon the following:*

1. *Compliance with the site plan and landscape plan submitted, except as modified by the conditions below.*
2. *Compliance with all requirements of Administrative Design Review approval;*
3. *All detached signs shall be brought into conformance with the issuance of a building permit;*
4. *Compliance with all requirements of Development Services in the issuance of building permits.*

SITE CONTEXT

CASE SITE: Existing apartment complex- zoned RM-2 and RM-3
NORTH: (across University Dr.) Existing single residences- zoned RS-6
EAST: Existing apartments and cell tower – zoned RM-3
SOUTH: Existing single residences- zoned RS-6
WEST: Existing single residences- zoned RS-6

STAFF SUMMARY AND ANALYSIS

The project site is currently an apartment complex that was constructed in the 1970's. The applicant is proposing to add a new 439-sqft. leasing office along the University Drive frontage. Since the overall development doesn't meet current development standards, the expansion of the site through the addition of a leasing office requires approval of a SCIP. Current development does not comply fully with the following standards: building separation, parking, covered parking, minimum building setbacks, and it displays non-conforming signs. The proposed addition meets all setback requirements, does create any new nonconforming conditions, and will not expand on any existing non-conforming site standards.

A summary of the applicant's proposal and staff recommendations for the site is provided in the table below:

	Code Requirement	Applicant Proposed	Staff Recommended
Landscape Setbacks for complex University Dr. East South West	20' 30' 30' 30'	20'-6" 0' 8' 0'	As proposed As proposed As proposed As proposed
Foundation Base Around new office addition	15'	20'	As proposed

The applicant is adding landscaping around the proposed leasing office to meet the intent of landscaping requirements. The leasing office addition will add architectural interest to the apartment building frontage along University Drive.

The applicant has provided the following as justification for the granting of the SCIP: 1) the non-conforming conditions currently exist; 2) to meet code, significant demolition or reconstruction would have to take place; and 3) the proposed addition and remodel will not remove any parking spaces.

FINDINGS

1. This request will allow for the development of a leasing office for an existing apartment building.
2. The site comes into substantial conformance with foundation base requirements and parking lot landscape requirements.
3. The site cannot come into full conformance with code without significant modification to the site.
4. Adequate parking is proposed for the site based on the differing peak demand time for the uses in the commercial center.
5. The improvements will be compatible and not detrimental to the surrounding neighborhood.
6. Based on the applicant's parking study there is adequate parking on site for this use.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Sec. 11-73-3 – Substantial Conformance Improvement Permits – Required Findings:

A SCIP shall not be granted unless the Zoning Administrator, acting as a Hearing Officer, or Board of Adjustment shall find upon sufficient evidence that:

- A. The entire development site will be brought into substantial conformance. Substantial conformance shall mean physical improvements to the existing development site which constitute the greatest degree of compliance with this Ordinance that can be attained without causing or creating any of the following conditions:
 1. The demolition or reconstruction of existing buildings or other significant structures (except signs); or
 2. The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.
 3. The creation of new non-conforming conditions.
- B. The improvements authorized by the SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.