

Board of Adjustment

Staff Report

CASE NUMBER: BA16-048
STAFF PLANNER: Kim Steadman
LOCATION/ADDRESS: 406 N. Val Vista Dr.
COUNCIL DISTRICT: Council District 1
OWNER: David A. Johnson
APPLICANT: Pew & Lake, PLC – Reese L. Anderson

REQUEST: *Requesting: 1) a Development Incentive Permit (DIP), and 2) a Special Use Permit (SUP) for outdoor dining, both associated with the development of a new group commercial development in the NC zoning district.*

SUMMARY OF APPLICANT'S REQUEST

This lot has recently been rezoned from RS-9 to NC. A former residence, on the arterial corner, is serving as a catalyst for the commercial development of this site. The residence and its accessory building will be repurposed as a bakery with outdoor dining. Two retail/office buildings with areas for optional outdoor dining are proposed for the remainder of the site, which is currently undeveloped. The applicant is requesting a Development Incentive Permit (DIP) to facilitate development of this infill lot. The request also includes a Special Use Permit (SUP) to allow outdoor dining in the NC zoning district.

STAFF RECOMMENDATION

Staff recommends **approval** of case BA16-048, *conditioned upon the following:*

1. *Compliance with the project narrative, site plan, landscape plan and elevations submitted except as modified by the following conditions;*
2. *Compliance with all conditions of Z16-033;*
3. *Compliance with the Development Agreement;*
4. *Compliance with all requirements of Development Services with regard to the issuance of building permits.*

SITE CONTEXT

CASE SITE: Existing vacant residence – zoned NC
NORTH: Existing single residences – zoned RS-9
EAST: (Across Val Vista Dr.) existing commercial Center - zoned LC
SOUTH: (Across University Dr.) existing commercial & residential - zoned RM-4 & LC
WEST: Mesa well site – zoned RS-9

STAFF ANALYSIS/ CONCERNS

DIP: Although a portion of the subject property has been a residence for decades, this is largely a bypassed parcel on an arterial corner. Neighborhood Commercial uses are appropriate in this location, but the limited size of the lot (2.2 acres) and its narrow proportions make it difficult to meet the development standards of the NC zoning district. Also, standard Right of Way dedications would have left very little developable land. To resolve this problem, the applicant has entered into a Development Agreement with the City reducing the required Right of Way dedications. Still, a reduction in certain setbacks will greatly facilitate development of this bypassed parcel. The site plan locates the buildings, and the most active uses toward the street frontage, away from the existing residences that line the north property line. The table below lays out the extent of the setback reductions that are being requested through the DIP.

Table 1:

Setback for:	Code Requirement	Applicant Proposes	Recommendation
<u>Val Vista Dr.</u>	15 feet from future 75-foot right-of-way	11 feet from new 65' right-of-way	As proposed
<u>University Dr.</u>	15 feet from future 65' feet right-of-way	15 feet from current 45' right-of-way	As proposed
<u>North property line</u>	25 feet from residential zoning	10 feet from residential zoning	As proposed
<u>West property line</u>	25' from residential zoning	27 feet from residential zoning	Meets Code

Preserving the modernist architecture of the existing house (concrete block construction, flat roofs, etc.) ties the new use of the site into its history. The deviations from setbacks help work around this historic resource for the community. The DIP reduces the setback from the north property line, allowing the original location of the driveway entry from Val Vista Dr. to be retained. A limited Right of Way dedication will relocate the Val Vista Dr. property line closer to the house. The DIP also allows the house to encroach on that setback.

SUP: Outdoor Dining can be an appropriate use in the NC zoning district (with an SUP) when site-specific factors are considered and addressed by the site design. The Board of Adjustment's review of the Special Use Permit allows for case-by-case consideration of appropriateness. The subject site plan locates areas that could be used for outdoor dining near the bakery, and along the University Dr. frontage. This separates them from the residential use as much as possible. The area adjacent to the existing residences along the north property line is designed as parking.

FINDINGS

1. DIP: The lot meets the definition of a bypassed parcel. It does not exceed 2.5 acres and has been in its current configuration for more than 10 years. The parcel is surrounded by properties within a 1,200-foot radius in which less than 25 percent of the developable land is vacant, and greater than 50 percent of the lots have been developed 15 or more years ago.
2. DIP: The development incentives requested are limited to building setbacks and landscaping design. These incentives are allowed by Ordinance.
3. DIP: The incentives do not allow development that is more intense than the surrounding neighborhood.
4. DIP: The architectural elements, construction and landscape materials, and other site improvements meet the intent of the Design Standards of the Ordinance.
5. DIP/SUP: The proposed development is consistent with the General Plan, and the proposed uses are permitted in the NC zoning district.
6. SUP: The location and design of the outdoor dining areas are consistent with the purposes of the NC zoning district and conform to City policies.
7. SUP: The design of the proposed outdoor dining will not be detrimental to surrounding properties or to the surrounding neighborhood.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Sec. 11-72-3 – Development Incentive Permits – Required Findings:

A DIP shall not be granted unless the Zoning Administrator, acting at the Hearing Officer, or Board of Adjustment shall find upon sufficient evidence:

- A. The proposed development is consistent with the General Plan, any other applicable Council adopted plans and/ policies, and the permitted uses as specified in this Ordinance;
- B. The incentives do not allow development that is more intense than the surrounding neighborhood; commensurate with existing development within a 1200-foot radius of the by-passed property; and,
- C. The architectural elements, construction and landscape materials, and other site improvements of the proposed development meet the intent of the Design Standards of this Ordinance.

Zoning Ordinance, Sec. 11-70-5 (E) – Special Use Permits:

- E. **Required Findings.** A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. It if is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.
 - 1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
 - 2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
 - 3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
 - 4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.