

## Board of Adjustment

### *Staff Report*

**CASE NUMBER:** BA16-067  
**STAFF PLANNER:** Kaelee Wilson  
**LOCATION/ADDRESS:** 32 East 14<sup>th</sup> Place  
**COUNCIL DISTRICT:** Council District 1  
**OWNER:** Shill and 14<sup>th</sup> Street Properties, LLC  
**APPLICANT:** Don Kenny

**REQUEST:** *Requesting a Development Incentive Permit (DIP) to allow the development of a multi-residence project in the RM-2 district. (PLN2016-00739)*

#### **SUMMARY OF APPLICANT'S REQUEST**

The request is for a Development Incentive Permit to allow for the construction of a four-plex on a vacant lot in an established residential neighborhood.

#### **STAFF RECOMMENDATION**

Staff recommends **approval** of case BA16-067 with *the following conditions:*

1. *Compliance with the site plan, landscape plan and elevations as submitted, except as modified by the conditions below.*
2. *A minimum of two trees and twenty shrubs shall be planted along the eastern property line at sizes listed in the Zoning Ordinance.*
3. *The wall along the eastern property line shall not exceed 6-feet in height.*
4. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
5. *A tree shall be added along the 14<sup>th</sup> Place frontage on the eastern side on the property.*
6. *The trash and recycle bins shall be relocated adjacent to the corresponding water heater for each unit, screened from the parking lot with a 6' wall.*
7. *Dusk to dawn coach lighting shall be added at the front door and the back patio door.*
8. *Bike racks shall be added to the property that accommodates a minimum of three bicycles.*

#### **SITE CONTEXT**

**CASE SITE:** Existing vacant land– zoned RM-2  
**NORTH:** Existing multiple residences – zoned RM-2  
**EAST:** Existing duplex – zoned RM-2  
**SOUTH:** (across 14<sup>th</sup> Pl.) Existing multiple residences – zoned RM-2  
**WEST:** (Across Shill Dr.) Existing multiple residences – zoned RM-2 and RM-3

#### **STAFF ANALYSIS – Development Incentive Permit (DIP)**

The application of the Development Incentive Permit is to allow the construction of a four-plex with an associated maintenance building in an established neighborhood. This parcel has been vacant for approximately 50 years with the parcels surrounding developing in the 1950's and 1960's. Staff has compiled a table below listing site attributes, Code requirements, requested deviations and staff's recommendation.

Standard	Code Requirement	Proposed	Staff Recommendation
<b>Density</b>	Max 15 units/acre	12.9 units/acre	Meets Code
<b>Setbacks</b>			
14 <sup>th</sup> Place	20'	20'	Meets Code
North	20' carport/ 30' building	0' landscape/ approx. 31.5' building	As Proposed
Shill Drive	20'	13'-5"	As Proposed
East	15' to mechanical room/ 30' to units	4'15' to mechanical room/ 30' to units	Meets Code
<b>Open Space</b>	Min. 200 s.f. per unit	104 per unit	As Proposed
<b>Minimum Private open space dimensions</b>	No dimension less than 10'	13' x 8'	As Proposed
<b>Parking</b>	9 spaces	9 spaces	Meets Code
<b>Privacy wall height</b>	6' max	8'	6' max
<b>Bicycle Parking</b>	3 bicycle spaces	none	3 bicycle spaces

The site plan is deviating in several areas listed above. The site plan is well designed given the pre-existing site constraints. Staff does have a concern with the trash and recycle bin location being internal to the private open space. The potential adverse odors and the size of the barrels could prevent the utilization of the patios. Staff is suggesting the bins be relocated adjacent to the corresponding water heaters for each unit, screened with a 6-foot wall. The relocation will reduce the size of the in-ground planter but is an acceptable deviation.

The applicant is proposing a picnic table as an amenity to the east of the building. Within this area, only Ruella shrubs are being proposed. The Zoning Ordinance requires a minimum of three trees and twenty shrubs be provided in this location. Understanding the useable space for landscaping is condensed due to the carports, two trees along this perimeter are acceptable. The Zoning Ordinance requires a minimum of five trees along 14<sup>th</sup> Place, and the applicant is proposing four trees. A fifth tree can be added in front of the mechanical room. This will better screen the mechanical room and provide shade for the residents utilizing the open space. Staff believes the landscape minimums can be met on the property, and conditions have been added related to the recommended approval of landscaping quantities.

The site is lacking in required bicycle parking spaces. The size of the site would require a minimum of three bike spaces. A condition has been added that requires the minimum on-site bicycle spaces.

**FINDINGS:**

1. The development conforms to the General Plan Land Use category of Neighborhood- Suburban.
2. The project will provide development on a parcel that's been bypassed for over 50 years.
3. The architectural detailing and elements on the building meet the Design Standards listed in the Zoning Ordinance.
4. With the recommended conditions of approval, the landscape quantities and materials meet the intent of the development standards listed in the Zoning Ordinance.
5. The development is in scale with surrounding development and will not be detrimental to the surrounding neighborhood.

**ORDINANCE REQUIREMENTS:**

**11-72-3: 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 bypassed 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](#).