

BRAND

Incomplete Application Response

24-113646 | 383, 453, and 503 Farm Credit Drive

Chapter 250 – Adjustments

Section 250.005 – Adjustments

(a) *Applicability.*

(1) *Classes.*

- (A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.
- (B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

(2) *Prohibition.* Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:

- (A) Allow a use or activity not allowed under the UDC;
- (B) Change the status of a use or activity under the UDC;
- (C) Modify a definition or use classification;
- (D) Modify a use standard;
- (E) Modify the applicability of any requirement under the UDC;
- (F) Modify a development standard specifically identified as non-adjustable;
- (G) Modify a development standard that contains the word "prohibited";
- (H) Modify a procedural requirement under the UDC;
- (I) Modify a condition of approval placed on property through a previous planning action;
- (J) A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or
- (K) The required landscaping in the Industrial Business Campus (IBC) Zone.

Applicant's Findings: *The adjustments being sought are not prohibited in accordance with the list above.*

(b) *Procedure type.* Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.

Applicant's Findings: *The applicant understands the procedure type for the requested adjustments.*

(c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
 - (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
 - (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

Applicant's Findings: *The plans submitted with this application include all applicable information required by this section. In conjunction with this written narrative, the review authority has all the information necessary to render a decision in this case. This criterion is met.*

- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
 - (C) The location of the 100-year floodplain, if applicable; and
 - (D) The location of drainage patterns and drainage courses, if applicable.

Applicant's Findings: *An existing conditions plan is included within the submitted civil plans. This is met.*

(d) *Criteria.*

- (1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:

- (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Clearly satisfied by the proposed development.
- (B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Applicant's Findings: *The applicant is seeking approval of three class 2 adjustments; these criteria are not applicable.*

- (2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

- (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Equally or better met by the proposed development.

Applicant's Findings: *The applicant is seeking three class 2 adjustments.*

Adjustments one and two are requested to eliminate the 5 foot setback and landscape buffer required along the interior property line abutting vehicle use areas. The requested adjustment meets the approval criteria (i) clearly inapplicable to the proposed development. The standard is inapplicable because the properties are proposed to be developed as a campus with site circulation and shared amenities like pedestrian paths, parking, and patio spaces. The purpose of this standard is to buffer abutting development sites from neighboring parking areas, because these properties will create a campus, the standard is inapplicable and need not be applied.

Adjustment three is requested to eliminate the pedestrian connection required through the parking area pursuant to SRC 800.065(a)(3). The purpose of providing a pedestrian connection through large parking areas is to ensure safe pedestrian routes. The applicant's proposed configuration of the off-street parking area equally meets the standard. The parking layout does not include multiple rows of parking and providing a pedestrian connection to nowhere does not enhance the pedestrian circulation on site. If the applicant were to provide a pedestrian connection as drawn by the planner, the pedestrian connection would serve only two vehicles and would lead to a landscaped island. Instead, the applicant requests to adjust out of this standard because they've configured the parking area to function like a smaller parking lot without multiple rows. This criterion is met.

- (B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Applicant's Findings: *The development site is not within or near a residential zone, this criterion is not applicable.*

- (C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Applicant's Findings: *The applicant is seeking approval of three adjustments but only two*

adjustments to different standards. The applicant has shown they meet the approval criteria for all requested adjustments. Because the adjustments being sought are for standards that are not applicable to the proposed development or the project equally meets the standard being adjusted, the project is still consistent with the overall purpose of the zone. This criterion is met.

- (e) *Transfer of adjustments.* Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

Applicant's Findings: *The applicant understands that unless the final decision states otherwise, any approved adjustments shall run with the land.*