DEVELOPMENT REVIEW BOARD

Planning Dept. - Major Case Comments

HEARING DATE/AGENDA ITEM No. 8

Project Number: PR-2021-005904

Application Number: SD-2021-00263
Project Name:

Request: Vacation of Public Right of way -Council

COMMENTS:

1. Vacation must be re-platted within one year of the final approval.
2. Adjacent property must agree to the vacation, please provide confirmation of this in the form of letters from those property owners.
3. See table 6-1-1 of the IDO for notice requirements.
4. Consult with Real Property regarding the purchase of the alley.

1. **If the existing buildings remain as they are currently in use, then the Neighborhood Edge would not be required. (See IDO 6-8(G) below.)**

Comments may continue onto the next page)

6-8(G) NONCONFORMING SITE FEATURES

6-8(G)(1) Authority to Continue

Except for property acquired by government entities (addressed in Subsection 14-16-6-8(H)), a lot that does not comply with the standards of this IDO in Sections 14-16-4-3 (Use-specific Standards); 14-16-5-3 (Access and Connectivity); 14-16-5-5 (Parking and Loading); 14-16-5-6 (Landscaping, Buffering, and Screening); 14-16-5-7 (Walls and Fences); 14-16-5-8 (Outdoor and Site Lighting); or 14-16-5-9 (Neighborhood Edges), except for the Building

Height Stepdown provision, may continue to be used and occupied, and uses may be changed or expanded as allowed by other provisions of this Section 14-16-6-8, notwithstanding those nonconformities, unless and until the gross floor area of the primary building on the lot is expanded pursuant to the criteria in Subsection 14-16-6-6(C) (Expansion of Nonconforming Use or Structure), at which time any portion of the lot affected by the expansion shall be brought into compliance with any relevant standards in the Sections listed above in this provision.

2. **If there is a new and expanded use, then IDO requirements for neighborhood edges must be followed. Adjacent would include the alley, so there is no advantage to retaining to alley to avoid this requirement. (See IDO 5-9 below.) See information about drive-thru lanes, building height setback and landscaping buffer for parking areas.**

Comments may continue onto the next page)]

5-9 NEIGHBORHOOD EDGES

5-9(A) PURPOSE

This Section 14-16-5-9 is intended to preserve the residential neighborhood character of established low-density residential development in any Residential zone district on lots adjacent to any Mixed-use or Non-residential zone district.

5-9(B) APPLICABILITY

5-9(B)(1) Protected Lots

The Neighborhood Edges provisions in this Section 14-16-5-9 are intended to protect lots in any R-A, R-1, R-MC, or R-T zone district that contains low-density residential development.

5-9(B)(2) Regulated Lots

Lots regulated by this Section 14-16-5-9 include all those in any R-ML, R-MH, Mixed-use, or Non-residential zone district that are adjacent to a Protected Lot.

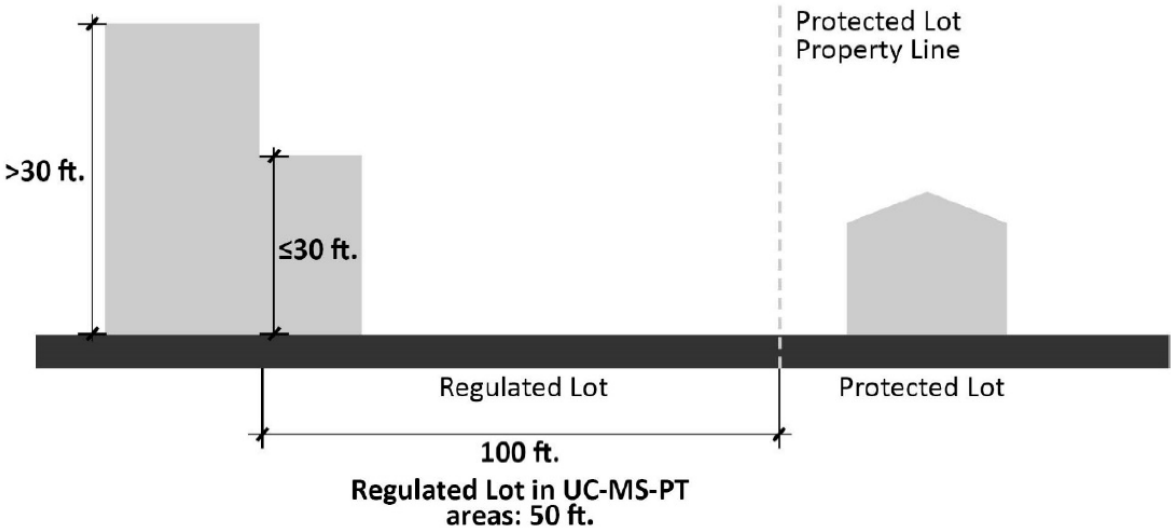
5-9(C) BUILDING HEIGHT STEPDOWN

5-9(C)(1) General Requirement

On Regulated Lots, any portion of a primary or accessory building within 100 feet of the nearest Protected Lot property line shall step down to a maximum height of 30 feet. (See figure below.)

5-9(C)(2) Urban Centers and Main Street and Premium Transit Areas

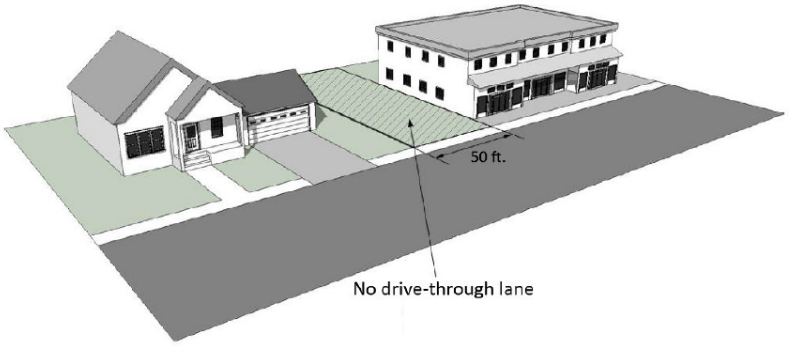
On Regulated Lots in UC-MS-PT areas, any portion of a primary or accessory building within 50 feet in any direction of any lot line of a Protected Lot shall step down to a maximum height of 30 feet. (See figure below.)



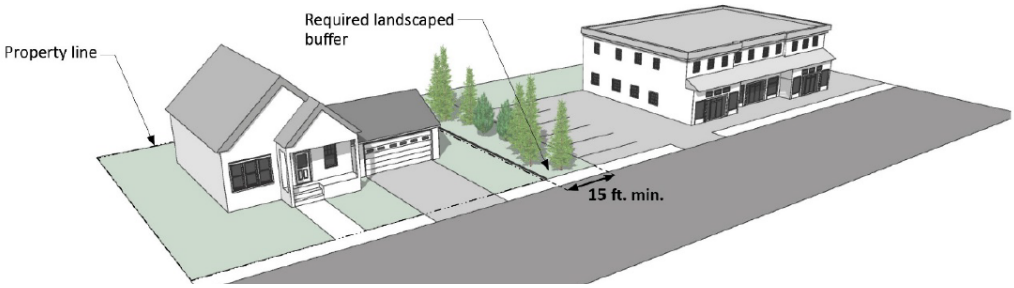
Comments may continue onto the next page)

5-9(D)(1)(b) For Regulated Lots 10,000 square feet or larger, the following requirements apply.

1. Drive-through lanes shall be separated from any abutting Protected Lot by a minimum of 50 feet. (See figure below.) For drive-throughs, requirements in Subsection 14-16-5-5(I) apply.



2. Parking areas shall be separated from any abutting Protected Lot by a minimum of 15 feet, and edge buffer requirements in Subsection 14-16-5-6(E) apply. (See figure below.)



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5-6(E)(2) Development Next to Low-density Residential Zone Districts

Where multi-family, mixed-use, or non-residential development other than industrial development occurs on a lot abutting or across an alley from a lot containing low-density residential development in an R-A, R-1, R-MC, or R-T zone district, a buffer shall be provided along the lot line, as specified for the relevant area below.

5-6(E)(2)(a) General

A landscaped edge buffer area at least 15 feet wide shall be provided on the subject property along the property line between the two properties.

1. If a wall at least 3 feet in height is provided or exists along the property line between the 2 properties, 1 tree at least 8 feet high at the time of planting shall be provided every for 15 feet along the wall, with spacing designed to minimize sound and light impacts of the proposed development on the adjacent property.
2. If no wall is provided or exists, 1 tree at least 6 feet tall at the time of planting and at least 25 feet tall at maturity and 3 shrubs shall be provided for every 25 feet along the lot line, with spacing designed to minimize sound, light, and noise impacts.

Disclaimer: The comments provided are based upon the information received from the applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning.

FROM: Jay Rodenbeck
Planning Department

DATE: 2/8/22