

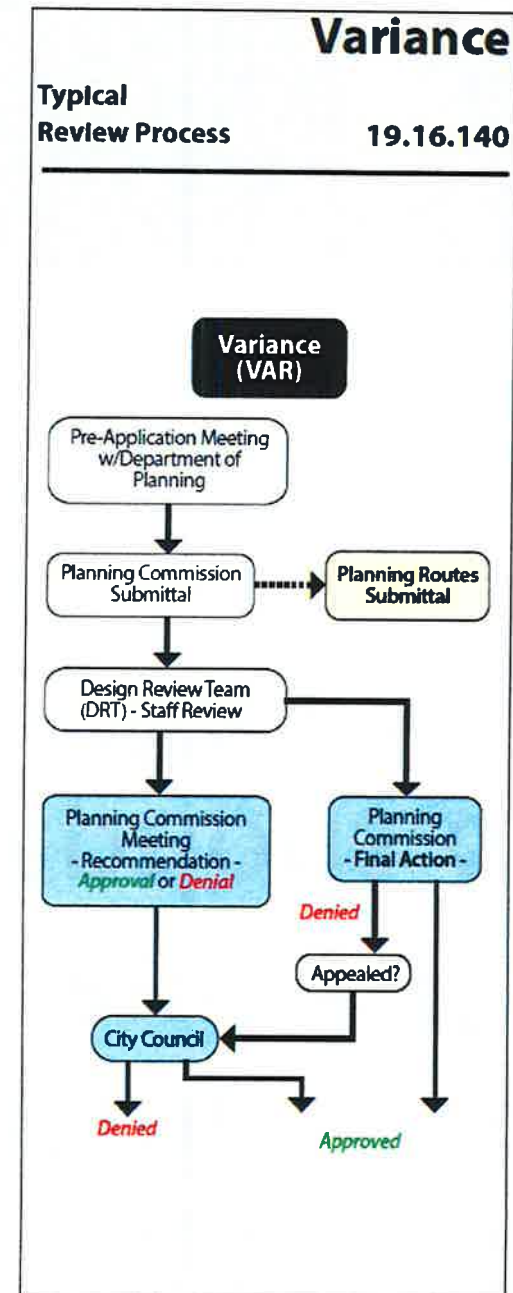
Analysis of Variances and SDR Exceptions & Waivers



Planning Commission Workshop
May 24, 2016

Variances

- ▶ LVMC Title 19.16.140
 - Planning Commission and City Council shall not grant a variance in order to:
 - Permit use in zoning district in which use is not allowed
 - Vary minimum spacing requirements
 - Relieve hardship that is solely personal, self created, or financial

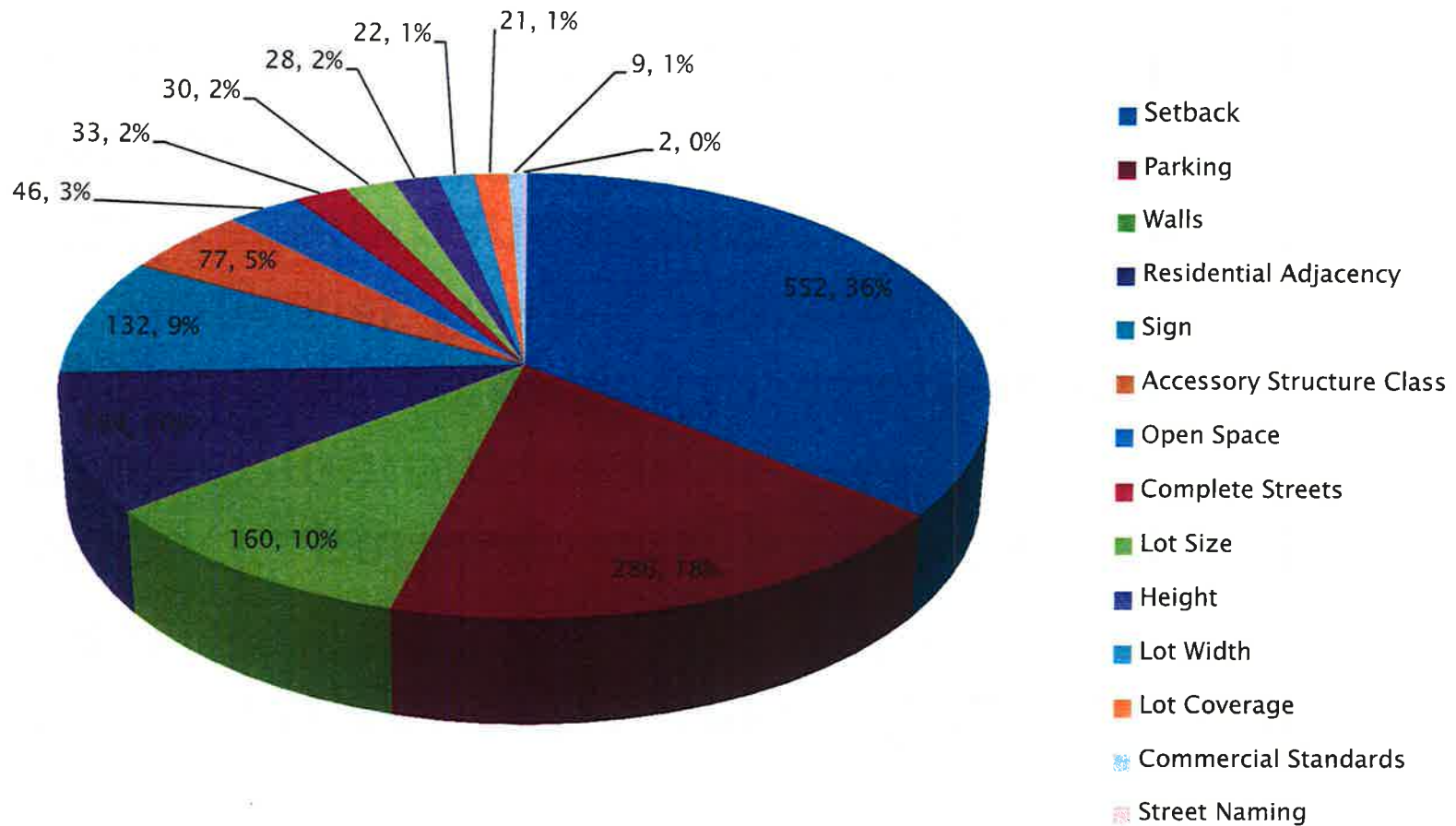


Key Findings – Variances

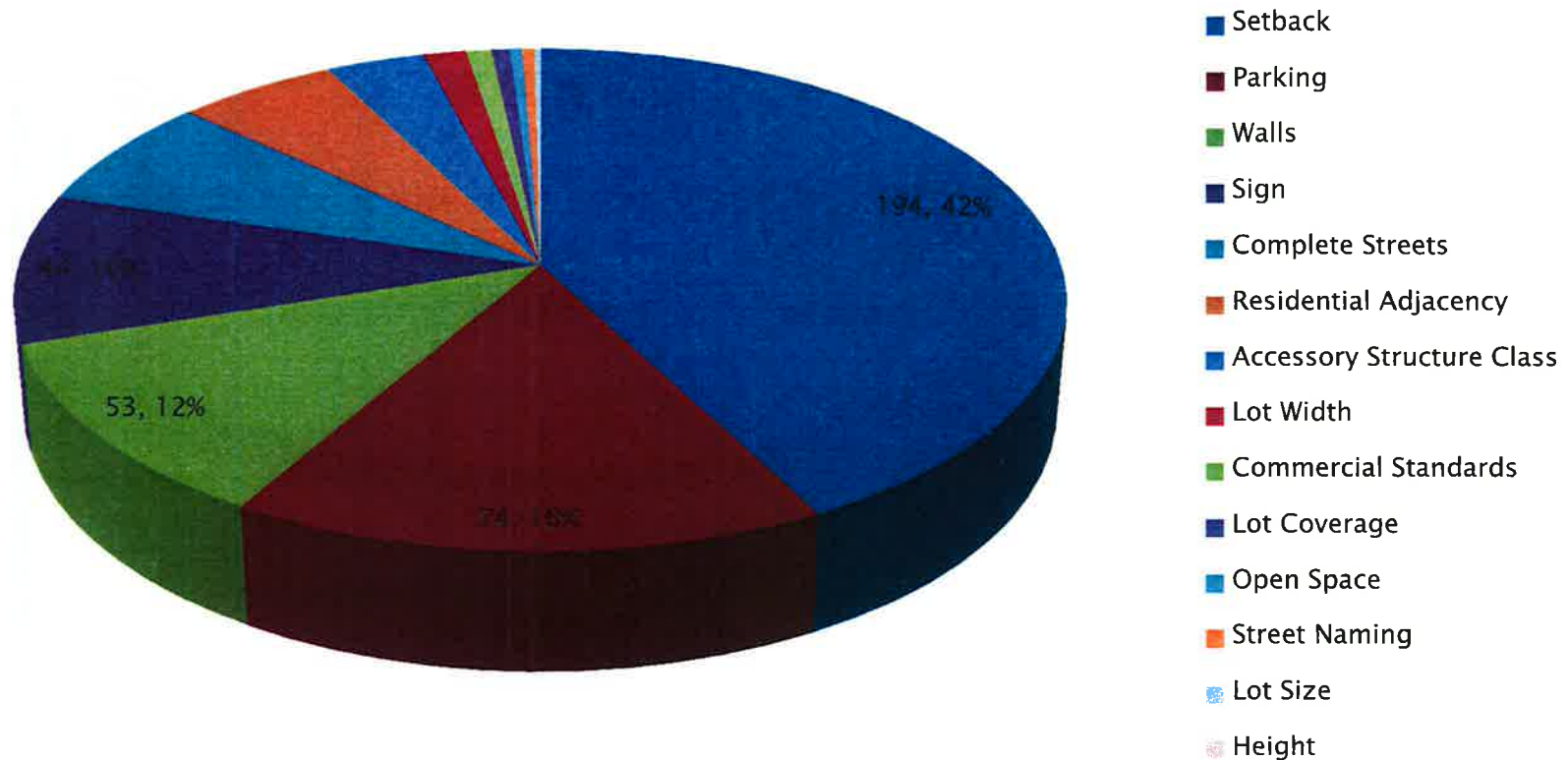
- ▶ 1,561 variances between 2002 – present
 - 458 since UDC adoption (3.16.11)
- ▶ Setback, parking, and wall variances are most common
 - Residential: Setback, wall, complete street
 - Commercial: Parking, setback, sign
- ▶ Staff recommendations of denial are often approved by PC or CC
- ▶ Variances deviate approximately 70% from the standard (whether approved or denied)



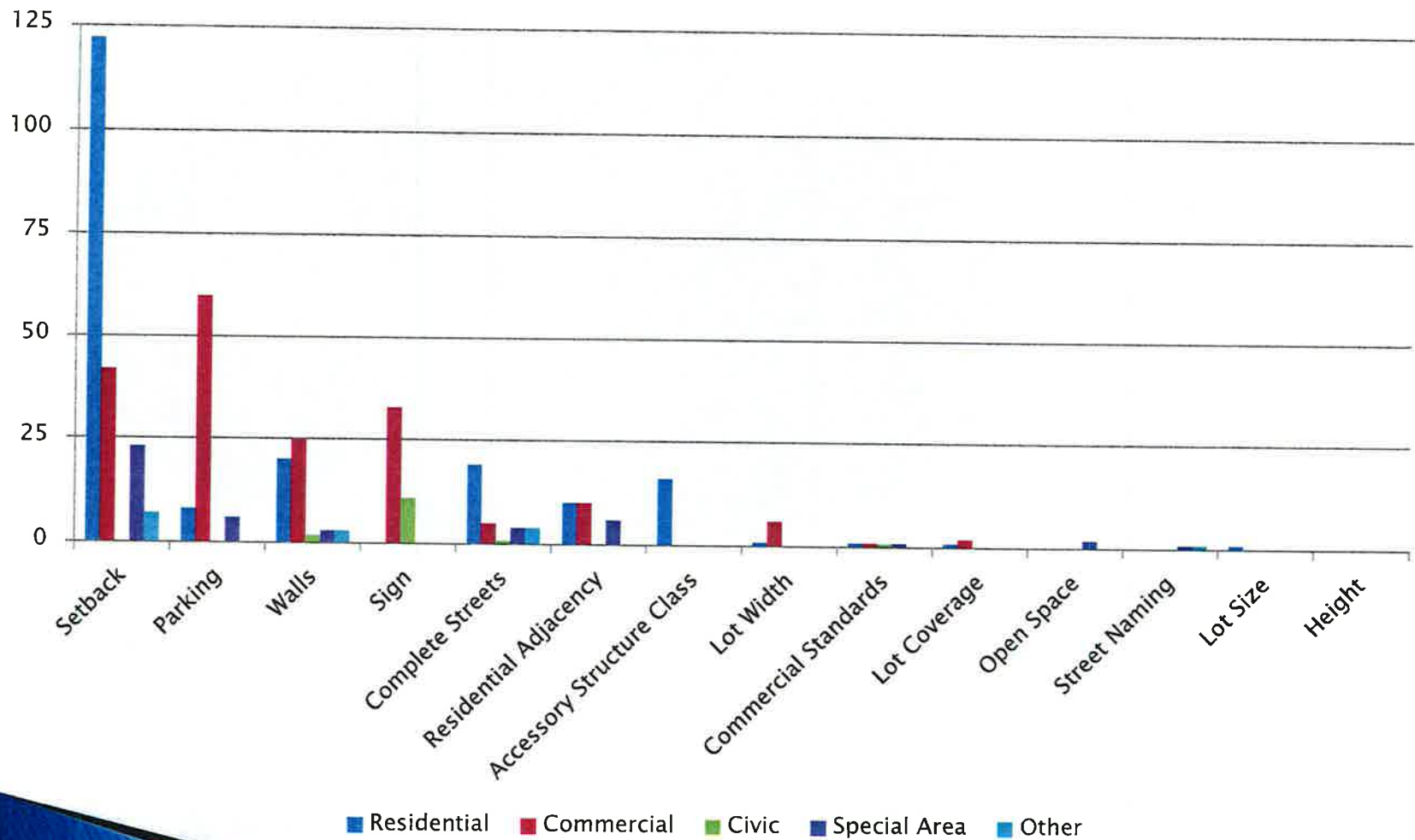
All Variances by Type (2002–2016)



All Variances by Type (UDC)



Variances by Zoning (UDC)



Setbacks

- ▶ Majority of setback variances relate to either single-family homes, commercial buildings or accessory structures.
- ▶ The predominant request was 30 to 70 % deviation from code requirement.
- ▶ Since the adoption of the UDC, 61% of residential Variance and 23% of commercial Variance requests were for building setbacks.
- ▶ Accessory Structure Class II are the 3rd most sought after Variance related to setbacks.



Parking

- ▶ The predominant request was 10 to 30 % deviation from code requirement.
- ▶ Since 2002, parking deviations compose 18% of all Variance request. Since the adoption of the UDC parking Variances compose 16% of all Variance requests.
- ▶ Since the adoption of the UDC, 81% of parking Variance requests were related to commercial development. 11% of the requests were for multi-family developments.

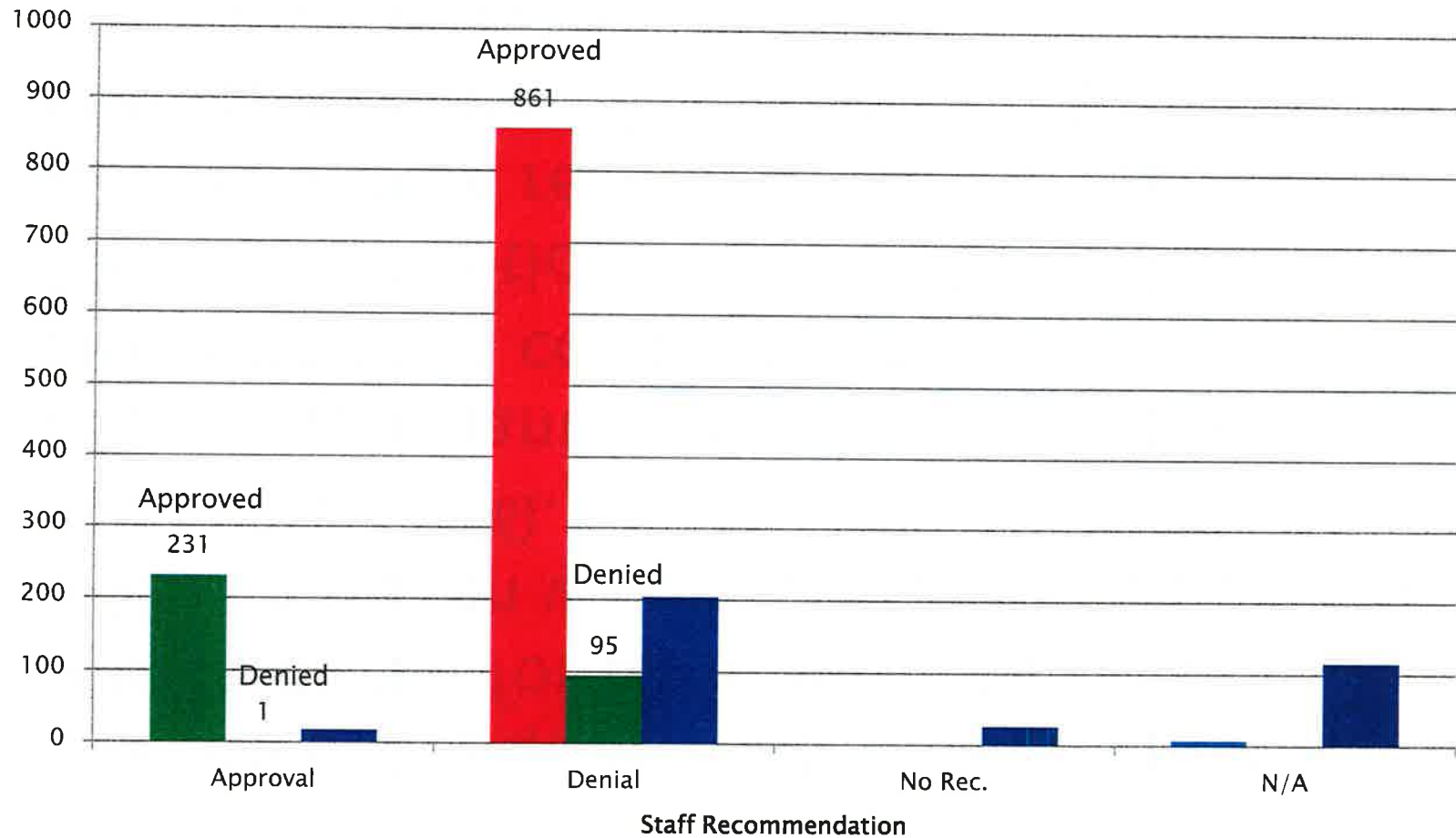


Walls and Fences

- ▶ The top two requested deviations from wall standards are for perimeter screen walls (44%) and open visibility requirements in the front yard (29%).
- ▶ The predominant request was 20 to 40 % deviation from code requirement.
- ▶ Since the adoption of the UDC, 47% of wall variances were related to commercial development and 37% were related to residential development.



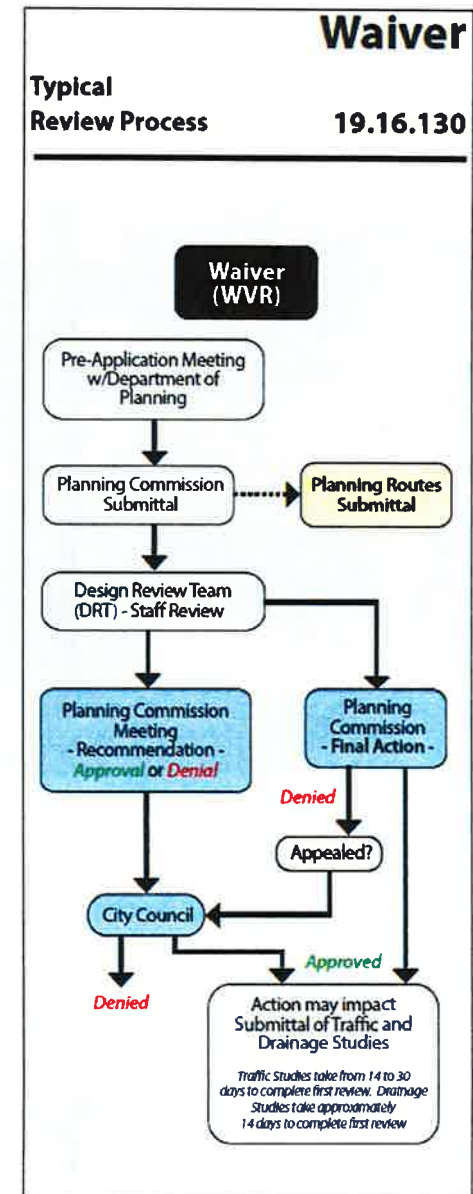
Council/Commission Action vs Staff Recommendation – Variances



Blue bars indicate abeyance, struck, w/o prejudice, etc.

SDR Waivers & Exceptions

- ▶ LVMC Title 19 – Deviations
 - Planning Commission and City Council may grant a waiver or an exception as part of an SDR if an applicant can show convincing and substantial evidence it will not compromise the objective of the City:
 - safeguarding public interest,
 - substantially meets the intent of the standard, and
 - will not detrimentally affect public health, safety or welfare.

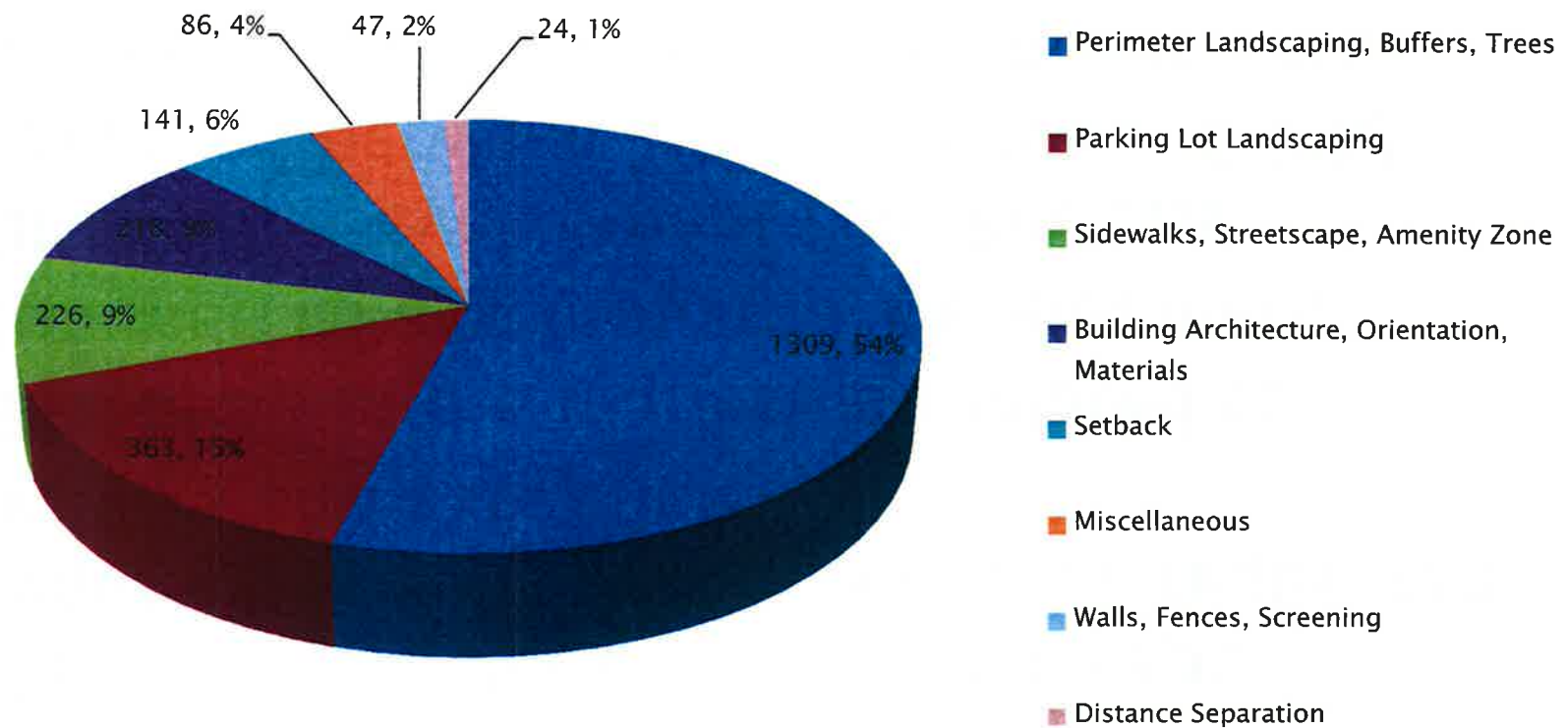


Key Findings – Exceptions & Waivers

- ▶ 2,414 individual exceptions/waivers between 2006 – 2015
 - 646 since UDC adoption (3.16.11)
- ▶ Landscape buffers and trees most common
- ▶ Staff recommendations of denial are often overturned by PC or CC
- ▶ On average, Waivers and Exceptions requested deviate approximately 74% from the standard (whether approved or denied)



All Waivers & Exceptions by Type (2006–2015)



Perimeter landscape buffer and Trees

- ▶ Deviations from perimeter landscape requirements represent 54% of all requested waivers and exceptions.
- ▶ 66% of all of the request are related to commercial and industrial development.
- ▶ Of all Site Development Plan Reviews approved between 2006 and 2015, 6,292 trees of 13,039 required (x4 shrubs / tree).



Parking lot landscaping

- ▶ Deviations from parking lot landscaping requirements equates to 15% of all requested waivers and exceptions.
 - Requests include parking lot planter (fingers) and parking lot trees and shrubs.
- ▶ 67% of all parking lot landscape are related to commercial and industrial development.
- ▶ 15% of requests are related to multi-family development.

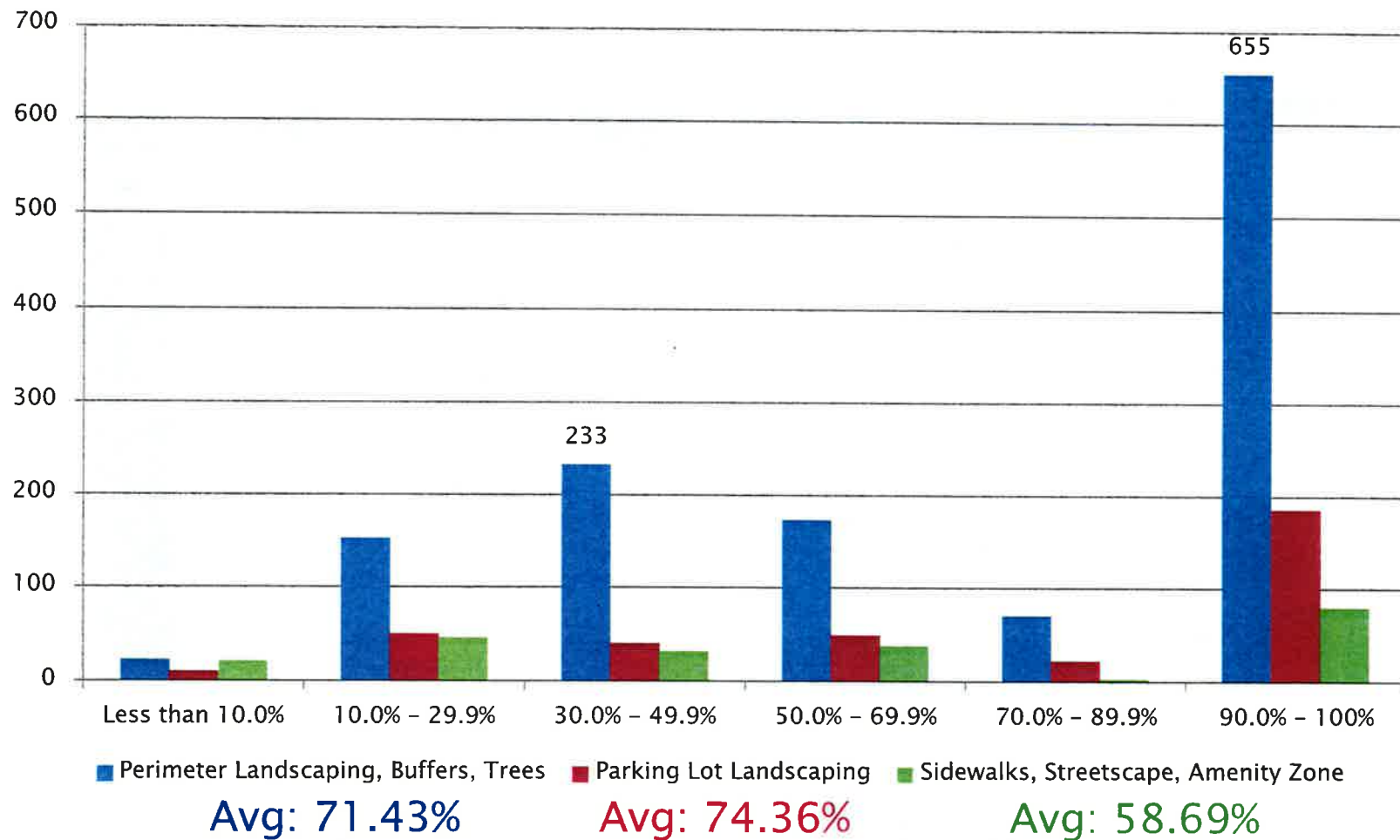


Sidewalk, Streetscape, Amenity Zone

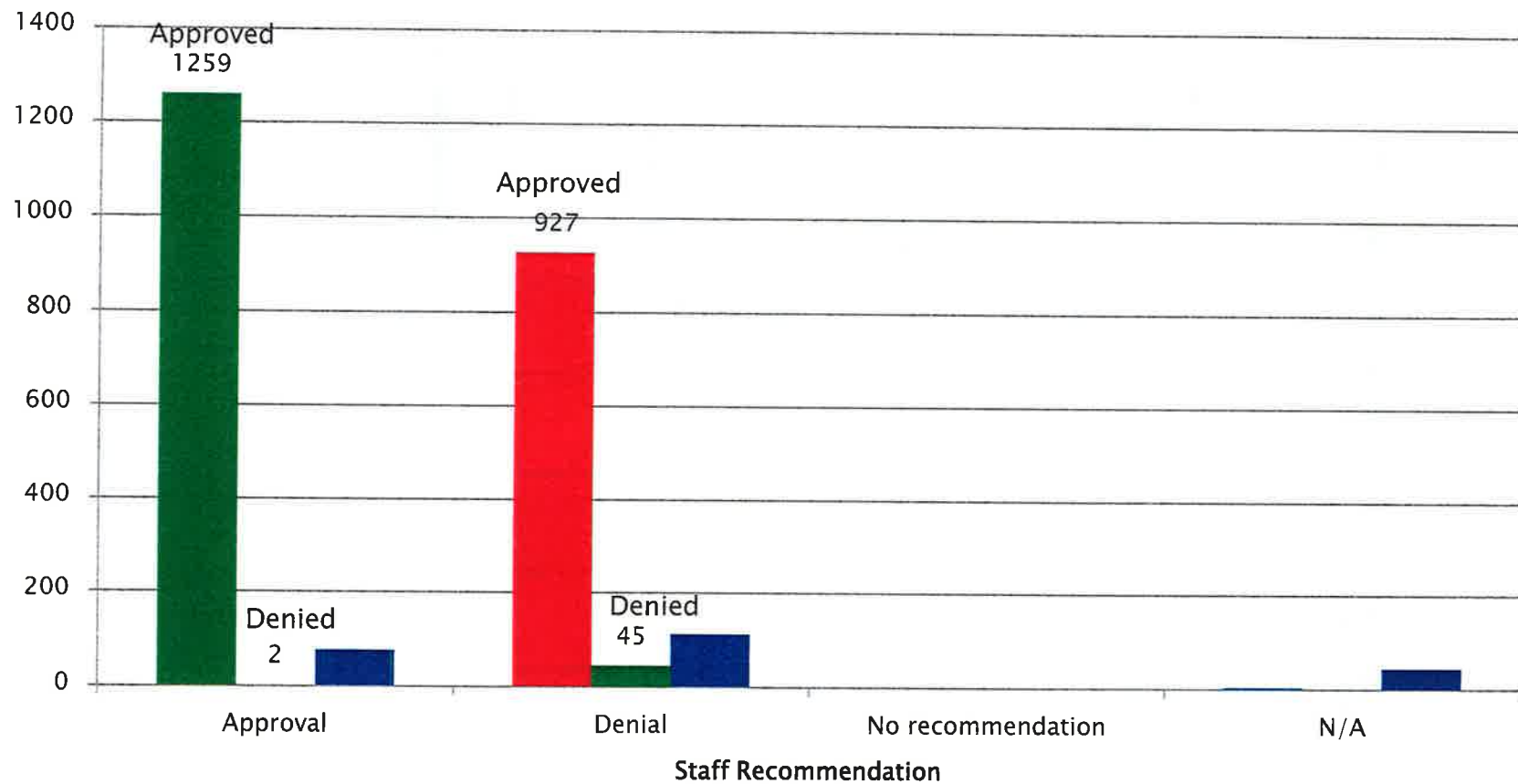
- ▶ Deviations from sidewalks, streetscape and amenity zone requirements equates to 9% of all requested waivers and exceptions.
- ▶ The average deviation from standard requested is approximately 58%.
- ▶ 60% of all of the request are related to commercial and industrial zoned property.
- ▶ 34% of all of the request are related to development within special area plans.
- ▶ 5% of all of the request are related to residential zoned property.
- ▶ 62% of the requested deviations were within the Downtown area.



Exception & Waiver Percent Deviation from Standard



Council/Commission Action vs Staff Recommendation



Next Steps and Policy Direction

- ▶ Educating applicants as to the purpose of Variances, waivers, and exceptions.
- ▶ Further analysis of the approval of Variances, waivers, and exception that do not meet standards or City objectives
- ▶ Re-evaluation of standards for parking, setbacks, and landscaping and processes for variances, waivers, and exceptions

