



## Legislation Details (With Text)

**File #:** 11-1336      **Version:** 1      **Name:** 10/17/11 City Place Landscape Modification  
**Type:** Resolution      **Status:** Passed  
**File created:** 10/17/2011      **In control:** City Council  
**On agenda:** 10/24/2011      **Final action:** 10/24/2011  
**Enactment date:** 10/24/2011      **Enactment #:** R-11-445  
**Title:** Resolution to Approve City Place Landscape Modification Request, 407- 437 South Fifth Avenue  
**Sponsors:** Tony Derezinski  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Landscape Modification Request.pdf

Date	Ver.	Action By	Action	Result
10/24/2011	1	City Council	Reconsidered	Pass
10/24/2011	1	City Council	Approved	Pass
10/17/2011	1	City Council		
10/17/2011	1	City Council	Postponed	Fail
10/17/2011	1	City Council	Approved	Pass

Resolution to Approve City Place Landscape Modification Request, 407- 437 South Fifth Avenue  
Attached is a resolution to approve a conflicting land use buffer modification for the City Place Site Plan, consistent with Section 5:608 of Chapter 62 (Landscaping and Screening).

An Administrative Amendment to the City Place site plan currently is being reviewed by city staff to allow interior re-configurations of units and minor site changes. An Administrative Amendment requires the project to be brought into compliance with all existing City codes. A recent change to Chapter 62 includes a requirement that all multi-family projects zoned R3 or R4 install a conflicting land use buffer of 15 feet between a building and any adjacent land zoned or used for residential. Previously, the code only required this buffer around surface parking lots.

The parcels that constitute the City Place project are adjacent to other residentially zoned and used land on the east and south sides. The east side has adequate room to install the additional landscaping and buffer. The south side does not have enough room for the required 15 foot wide buffer. While the proposed building is set back 16 feet from the southern property line, an existing driveway servicing the adjacent residential parcel to the south is located on the City Place property. The location of this driveway restricts the installation of the landscape buffer in this area and, as such, the petitioner has requested a modification of the buffer requirements (see attached letter).

While the intent of the recent code changes was to buffer large multi-family projects from adjacent residential properties, the result is a 15 foot wide conflicting land use buffer between similar land uses when applied in the R4C district. In addition, the required landscape buffer is wider than the 12-foot required side setback in the R4C district. Planning staff is working with the Planning

Commission's Ordinance Revisions Committee to revise this section of code in order to remove this requirement. However, until that time, City Council has the authority to grant the requested landscape modification

Section 5:608 of Chapter 62 allows the city council to modify a code requirement if the landscape plan is part of a previously approved site plan that will be maintained and continued and if no alterations are proposed to the existing landscape elements along the southern boundary.

Approval of this resolution will allow the petitioner to construct the amended site plan as approved by City Council on September 21, 2009.

City Staff recommends approval of this request.

Attachment: October 10, 2011 Letter from Jeff Helminski

Prepared By: Matt Kowalski, City Planner

Reviewed By: Wendy L. Rampson, Planning Manager

Whereas, City Council approved the City Place site plan on September 21, 2009;

Whereas, The petitioner desires to make minor changes to the approved site plan through the Administrative Amendment process;

Whereas, New landscape requirements have been adopted since the original site plan approval that make compliance with the conflicting land use buffer requirements impractical along the south property line;

Whereas, The petitioner has requested modification of the conflicting land use buffer requirement;

Whereas, The City Council has the authority to grant a landscape modification request per section 5:608, Chapter 62;

Whereas, The modifications are consistent with the intent of Chapter 62 (Landscaping); and

Whereas, The landscape plan is part of a previously approved site plan that will be maintained and continued and no alterations are proposed to the existing landscape elements along the southern boundary;

RESOLVED, That City Council approve the conflicting land use buffer modification request to maintain the previously approved landscape plan along the southern property line as shown on the site plan, dated October 11, 2011.

Sponsored by: Councilmember Derezinski