

# Article 2 Administrative Adjustment UDC Text Amendment

**CASE NUMBER:** PLN-15-00007

**PREPARED BY:** Brandon Cammarata

**MEETING** July 20, 2015 – Planning Commission

**DATES:** July 27, 2015 – City Council

**STAFF REPORT UPDATE:** At its regular meeting Monday, July 20, 2015, the Cheyenne Planning Commission unanimously approved a motion to amend Ordinance number 4020 by eliminating the sunset provision by a vote of 3 to 0. This would have the affect of keeping the maximum flexibility for an administrative adjustment at 50% as it has been for the last 17 months.

## OVERVIEW

The Administrative Adjustment process provides limited flexibility for application of specific standards to development sites. The Administrative Adjustment is one of many tools to allow a more nuanced approach to regulation that is timely and consistent as opposed to a one size fits all approach. Creating flexibility helps balance ongoing efforts to maintain and improve a quality business environment and Community goals related to quality of life which include consistent standards concerning site development integrating new development into the community.

Most of the site related requirements, to which Administrative Adjustments apply, have been in place for many years. Landscaping and parking lot design are examples of such regulations. Administrative Adjustment is one of a number of tools implemented with the UDC to expand flexibility and expediency. Other examples include alternative approaches to parking requirements, more nuanced approaches to landscape requirements and administrative plat processes.

February 24, 2014, City Council approved an amendment to the Unified Development Code to expand the maximum flexibility under the Administrative Adjustment provision (ref. 2.3.4) from a maximum adjustment of 10% to a maximum adjustment of 50% (Ordinance No. 4020). The ordinance includes an 18 month sunset provision. The 18 month sunset occurs September 5, 2015. It was Council's desire to have the ordinance brought back prior to the sunset occurring. Staff recommends keeping the increased flexibility as part of the code moving forward by amending the previous ordinance to eliminate the sunset provision. The alternative is to allow the ordinance to sunset and the regulation would revert to the previous limitation of 10% maximum flexibility.

## PROPOSAL

The proposal is to keep the existing Administrative Adjustment framework in place allowing a maximum adjustment of 50% rather than reverting to the previous 10% maximum adjustment. Staff recommends making the increased flexibility part of the code moving forward by amending the previous ordinance to eliminate the sunset provision. The alternative is to allow the ordinance to sunset and the regulation reverts to the previous state with 10% maximum flexibility.

Regardless of the maximum adjustment provision, the Administrative Adjustment includes the following:

- Review Criteria. Review criteria create expectations for the applicant and a consistent review approach by staff. This contributes to consistency and accountability for decisions.
- Process. A clear process is articulated in code to clarify expectations to applicants and accountability for staff.
- Notice. A *Development Review* sign is required on the property.
- Public Access. As with any development application and decision, paperwork is available to the public.
- Appeal Process. The appeal process for an Administrative Adjustment is the Board of Adjustment.

## POLICY CONSIDERATIONS

The purpose of this adjustment 18 months ago was to increase the functionality of a tool that had exhibited promise relating to predictably approaching minor adjustments. The ability to have multiple tools to approach minor adjustments and flexibility contributes to an overall approach that balances goals of advancing a quality business environment and quality of life goals. The ability to make reasonable adjustments efficiently and predictably saves time and money contributing to the quality business environment. Maintaining consistent minimum standards relating to site development when integrating new development and growth into the community contributes to quality of life goals. PlanCheyenne supports advancing both a quality business

environment and quality of life goals. These objectives should be symbiotic in the long term but may appear in conflict in the short term, which is where balanced approaches are needed (Ref. PC Principles 1.4, 1.5, 3.1 and 3.4).

The expectation of the original modification was to increase maximum flexibility allowing the Administrative Adjustment to be used more often. During the first 23 months (after adoption of the UDC) the tool was used 10 times. During the last 15 months the tool was use 26 times. Relating to the use in site plans, the tool was used in about 10% of site plans over the initial period and over the last 15 months used in about 16% of site plans. As expected there was some increase in usage, but the frequency of use remained manageable.

Of all the applications that have been applied for only one has not been approved which was a 100% reduction request. In general the review criteria work well helping manage expectations from applicants about what could qualify thus we rarely get requests that are not reasonable when the criteria are applied.

There was some concern that neighbors would be upset by the adjustments. To date we have not received concerns from neighbors relating to negative situations arising from an adjustment. This speaks to the balanced approach where applicants are able to address minor adjustments effectively while still substantially addressing the minimum standards expected by the community.

#### RECOMMENDATION

In summary the current Administrative Adjustment has continued to be an effective tool to make minor adjustments. Staff recommends approval of the amendment to ordinance 4020 removing the sunset provision.

#### ATTACHMENTS

Attachment 1: Ordinance of proposed changes