

## **Proposal and Background**

The administrative adjustment (ref. UDC 2.3.4) is part of a multipronged approach in the UDC to encourage infill and redevelopment in a balanced, consistent and predictable fashion. The administrative adjustment process allows for minor adjustments to standards for primarily infill and redevelopment projects. Infill and redevelopment projects have value to the community and should be encouraged. These projects typically have many more constraints than do new projects on the edge of town often due to space constraints and existing circumstances, as well as proximity to existing neighborhoods and districts. Encouraging infill and redevelopment in a balanced and predictable fashion is a challenge. The administrative adjustment in conjunction with other tools focusing on infill and redevelopment has been an improvement compared to the previous codes which did little to address this issue.

This proposal is to increase the maximum amount a particular standard can be adjusted from a maximum 10% adjustment to a maximum 50% adjustment. The administrative adjustment has proven to be an effective tool when working with redevelopment sites in conjunction with other tools, however after using the tool for almost 2 years it has become apparent the effectiveness of the tool could be enhanced by increasing the maximum threshold.

An administrative adjustment may be pursued by an applicant to reduce or modify a particular standard by up to 10%. In most cases this adjustment request is handled concurrently with a site plan evaluation resulting from a proposed change to the site. The administrative adjustment is not used to increase standards, rather it provides an opportunity to consider the context of the situation along with other viable solutions. Review criteria provide guidance for making determinations on administrative adjustments in a predictable fashion. The process for appealing a staff decision on an administrative adjustment is through the Board of Adjustment. As an administrative process the administrative adjustment offers a more timely and predictable alternative to the traditional variance process which involves a public hearing and decision by the Board of Adjustment which would take six to eight weeks (ref. UDC 2.3.2).

### **Hypothetical Example**

An existing development is looking to make a building addition to the facility. The addition has triggered a site plan review for compliance with standards. The existing site has parking in the front and is looking to use the existing parking area to accommodate parking for the building addition. The current parking area is separated from the public sidewalk with a 7' wide landscape area. The current requirement for the landscape area is to be 10' from the public sidewalk (note, this requirement varies depending on the type of street the development is located on ie local, collector or arterial). It is clear that widening the landscape area between the sidewalk and the parking area is not reasonable due to the lack of space on

the site and substantial investment required to make such an adjustment. The administrative adjustment provides a clear path for staff to make the determination that the 7' landscape area is sufficient even though the standard is 10'. This would be a 30% adjustment of the particular standard. In the absence of the administrative adjustment option a variance process would have been required. This illustrates the benefit of having an administrative adjustment option and the need to have greater flexibility than 10%.

**Review Criteria for Text Amendment (ref. UDC2.4.1d):**

1. The amendment is in accordance with the general goals and policies of the Comprehensive Plan.
  - a. Principle 1.4: Revitalization and infill in our urban core will provide choices for housing, employment, and services in our older neighborhoods and districts.  
Policy 1.4.a: Infill Opportunities  
The community will support infill in existing neighborhoods, but ensure that infill is compatible with neighborhoods and districts through design standards (e.g., to address scale, height, and character of infill as it relates to existing development).  
Policy 3.1.a: Existing Small Businesses  
The community will support existing small businesses in the Cheyenne area, and allow and encourage them to grow by promoting opportunities for local entrepreneurs to expand existing businesses and establish new start-up businesses.
2. The amendment is consistent with the Wyoming Statutes, and specifically the Municipal Planning and Zoning Statutes.
  - a. The proposed amendment is in accordance with the Comprehensive Plan and is consistent with the referenced statutes.
3. The amendment promotes the general health, safety and public welfare.
  - a. The amendment would advance and promote infill and building reuse as part of a multipronged approach. This is part of the building reuse topic that was identified during the 2013 Annual Review. This expands a tool that was developed with the implementation of the UDC in a measured fashion based on past success utilizing the tool as it fits in with the overall framework of the other regulations and the review criteria tied to this tool.

**Proposed Text Amendment:**

UDC 2.3.4b3

“...existing buildings and lots. In no case may an adjustment of more than **50% 10%** of any dimensional standard...”

**Staff Recommendation:**

Staff recommends approval of the text amendment.

**Planning Commission Recommendation 01/21/14:**

On January 21, 2014 the Cheyenne Planning Commission recommended approval by a vote of 5-0 of the proposed UDC amendment to increase to maximum administrative adjustment from 10% to 50% as a described in this report.