

SUPPLEMENTAL / MODIFICATION

Section IV: Exhibit “C” for Planning Commission Order 2023-04

Conditions of Approval for CUP22-0016 and DR222-0011

The Haworth Apartments – Patrick R. and Elaine A. Maveety

2. Parking and On-Site Circulation. *Parking areas shall meet the requirements of NMC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.*

15.440.010 Required off-street parking

B. Off-street parking is required pursuant to NMC 15.440.030 in the C-2 district.

Finding: Per NMC 15.440.030 the following parking spaces must be provided for a multi-family dwelling:

1 bedroom	1 per dwelling unit	16 units x 1 =	16 parking spaces
2 bedrooms	1.5 per dwelling unit	12 units x 1.5 =	18 parking spaces
		Total of 28 dwelling units	Total 34 required spaces for dwelling units
Over 10 parking spaces required	15% must be labeled as unassigned	.15 x 34 required spaces =	5 unassigned spaces required
Over 10 parking spaces required	.2 visitor spaces per dwelling unit	.2 x 28 total dwelling units =	6 visitor spaces required
34 required spaces (includes 5 unassigned spaces)		+ 6 visitor spaces	= Total of 40 parking spaces required for development

The applicant’s narrative states that 43 parking spaces will be provided. Staff had previously held one interpretation of this section. That interpretation added the required number of unassigned spaces to the overall total number of spaces required. The applicant states they interpreted the required 5 unassigned would be within the total 34 required. Staff can understand that interpretation and are willing to accept that proposal. Therefore, the required 34 (which includes the 5 unassigned spaces) plus the 6 visitor spaces, would be a total 40 spaces required. The applicant is proposing 43, surpassing this requirement. Therefore, this criterion is met, and the previous condition is retracted.

15.440.020 Parking area and service drive design.

A. All public or private parking areas, parking spaces, or garages shall be designed, laid out and constructed in accordance with the minimum standards as set forth in NMC 15.440.070.

Finding: NMC 15.440.070 directs the design of parking areas and services drives. The submitted site plan shows a two-way travel aisle with a 24-foot-wide service drive with 90-degree parking spaces. This design requires stall widths to be 9 feet wide and 18 feet long. Compact spaces may be 8 feet wide and 16 feet long. The proposed site plan shows all parking spaces, regular and compact, with a 16-foot length. The applicant's narrative states that the remaining two feet for the standard spaces would be acquired past the curb either in the landscaping area or pedestrian path. Per Diagram 2 in NMC 15.440.070 the measurement is taken from the wall, property line, or obstruction. Both the landscaping area and pedestrian path could create obstructions that would not allow a vehicle to pull the required additional two feet. Furthermore, per NMC 15.410.020(B)(2) describing front yard setback standards in the C-2 zone, no parking may occur in the front yard. NMC 15.410.070(E)(3) only allows parking to occur in the side yards. The proposed parking spaces along the east side of the property, would encroach into the front yard by two feet. Therefore, all regular parking spaces are not in accordance with the minimum standards as set for in NMC 15.440.070. A revised site plan showing all parking spaces meeting the requirements of NMC 15.440.070 is required with the building permit plans or a Type I Code Adjustment requesting a change to the dimensional standards to parking places per NMC Chapter 15.210 to be approved prior to the building permit.

If the aforementioned condition is adhered to this criterion will be met.

Staff would like to state that one solution may be to adjust the building footprint to the southwest. No interior yard setback is required along the west property line, and the proposed site design is surpassing the landscaping requirement and the outdoor space requirement. An adjustment of the building footprint in this direction may allow the additional two feet to be gained from the 10-foot front yard setbacks along E Haworth Avenue and N Springbrook Road to create the required 18-foot-long parking spaces while maintaining the 24-foot-wide two-way drive aisle. This also may allow for the proposed street trees to be placed outside the required public utility easement per NMC 15.505.040(F).

Chapter 15.430 Underground Utility Installation

15.430.010 Underground utility installation.

A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.

Finding: The submitted materials indicate that all new utility lines to the building will be installed underground.

This criterion is met.

B. Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.

C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:

- 1. The cost of undergrounding the utility is extraordinarily expensive.*
- 2. There are physical factors that make undergrounding extraordinarily difficult.*
- 3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed. [Ord. 2537, 11-6-00. Code 2001 § 151.589.]*

Finding: The submitted plans show that there are existing overhead utilities along the N Springbrook Road frontage. The submitted narrative indicates that surrounding properties on the same side of the street are generally developed and that existing overhead utilities along these properties are unlikely to be placed underground.

However, utilities south of the project site on the same side of the street between the project site and E Portland Road (Highway 99W) are underground. These underground utilities continue from approximately 50-feet north of the southern boundary of the project site to approximately 200-feet south of the N Springbrook Road at E Portland Road (Highway 99W) intersection.

There are not any overhead utilities along E Haworth Avenue in the area of the project site. It is anticipated that future improvements for a traffic signal at the intersection of N Springbrook Road and E Haworth Avenue will require that the existing overhead utilities be undergrounded or relocated.

Because it is not clear that one or more of the exception criteria to the requirement to underground utilities is met, the applicant is required to provide documentation clearly demonstrating that one or more of the exception criteria to the requirement to underground utilities is met or to underground the existing overhead utilities along the project site's frontage in accordance with NMC Section 15.430.010 or to pay a fee in lieu for future undergrounding of these overhead utilities. If the fee in lieu is chosen by the applicant, the amount of the fee in lieu is to be determined as part of the permit plan review and approval process.

This criterion will be met if the aforementioned condition of approval is adhered to.