




Department of Planning & Community & Economic Development

## Building Inspection Division

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**DATE:** February 23, 2015  
**TO:** Plan Commission  
**FROM:** Matt Tucker, Zoning Administrator   
**SUBJECT:** Request for PD Alteration, 520-524 E. Johnson Street

The applicant requests to allow alterations to this particular Planned Development (PD) district, as a remedy to noncompliance issues relative to the as-built condition of the property. The applicant has requested administrative approval of this PD alteration, which has been denied by the DPCED Director. The applicant has chosen to request Plan Commission approval for the alteration.

### Summary of History and Background

The relocation of this dwelling to the subject lot, and the addition of a third dwelling unit, was approved February 7, 2008, as part of a Planned Development rezoning to accommodate the dwelling. The pre-existing R5 zoning did not allow for the density and open space condition that would come with the relocation, so a rezoning was requested and approved. Among several conditions approved for this rezoning, one specific condition limited the relocation until a project was approved at the site where the home existed (119 N. Butler Street), which follows:

19. That the approval of the subject project be contingent upon the approval of the general development plan for the 38-unit apartment building at 119-125 N. Butler Street and 120 & 124 N. Hancock Street. Relocation of the house at 119 N. Butler Street to the 520 E. Johnson Street site shall not occur until specific implementation plans for both projects have been approved and recorded.

This Planned Development was recorded on September 16, 2008. The owner of the home began in-place interior remodeling and renovation of the building around this same time, placing the building on cribbing in anticipation of the move (2008).

No new project was approved at the Butler Street site, so a subsequent PD alteration was requested and approved on August 7, 2008, to allow the house to move to the Johnson Street location.

After significant effort from the City, final steps for the relocation and placement of this dwelling on a foundation were undertaken with the issuance of a building permit for a foundation on September 27, 2010. The building sat on cribbing on Butler Street until it was moved in August 2011. The owner chose to modify the building plans for the building, which required another PD alteration, which was approved on October 27, 2011. This alteration specifically required the area wells to be concrete and

included language specifically prohibiting the use of cement board area wells. The intent was to ensure the area wells were of similar durable material to the foundation and the accessible ramp at the rear of the home.

Subsequent inspections have noted a number of items of noncompliance relative to the approved plans. Some alterations have been approved over the past few years, with the final two issues being the bike parking placement and the window well construction.

### Window wells

Upon an inspection of the site in late September 2011, it was noted the foundation, basement framing and window well installation was inconsistent with the approved plans. No building permit had been issued for the , nor would it be issued until the building plans matched the zoning-approved plans. Work on the basement unit was commencing without permits. At this time, staff discovered that the owner had installed window wells into the right-of-way of N. Butler Street, directly abutting the sidewalk. Staff pointed out this problem to the applicants' agent, Jim McFadden, and staff also pointed out that a highly-trafficked area in close proximity to a street, such as this, will require a durable treatment for a window well, rather than the relatively flimsy and damage-prone wooden window well that was placed inconsistent with the approved plans. Staff further advised by the Planning Director that the wood window-wells with cement board and paint would not be approved as an administrative alteration, and a masonry construction would be required. The owner understood the projecting into the right-of-way was problematic, but chose to proceed to re-construct the window wells at the property line against staff's advice regarding the construction materials.

The acceptable resolution of staff to this problem is as follows:

- Reconstruct the window wells of masonry/concrete or another acceptable durable material.

### Bike parking

The bike parking problem relates to a re-orienting of the bike parking, the use of a potentially non-approved bike rack, and some access issues at the five bicycle parking spaces required alongside the 520 E. Johnson Street building.

The Zoning Ordinance requires a code-complaint bicycle parking space to be 2'w x 6'd with a minimum 5' access aisle to the rear. The bike parking has been re-oriented, with the configuration not meeting these requirements. Also, the rack detail has not been provided, so it is not possible for staff to determine if the rack can hold a bicycle in an upright/stable position in its 2' x 6' stall. Because the bike parking is at the head of an auto parking space, bikes do not have the required access to and from the bike parking area by a minimum 5' wide access aisle to Johnson Street. There is the necessary access available via the driveway to the north (leading to Butler Street) but one must lift a bicycle up a retaining wall to get from the bike rack to the driveway. This wall could be modified to create "steps" for one to use to access the bike parking, rather than climb what is effectively one tall step.

The acceptable resolution of staff to this problem is as follows:

- Re-orient bike parking in this area to a compliant configuration that maintains the required access.
- Install a course of block at the front of the retaining wall to create a “step” that one may use to carry their bicycle between the driveway and the bike parking area.
- Provide a detail of the bike rack, showing the rack in compliance with Zoning Ordinance requirements.

#### Findings and Recommendation

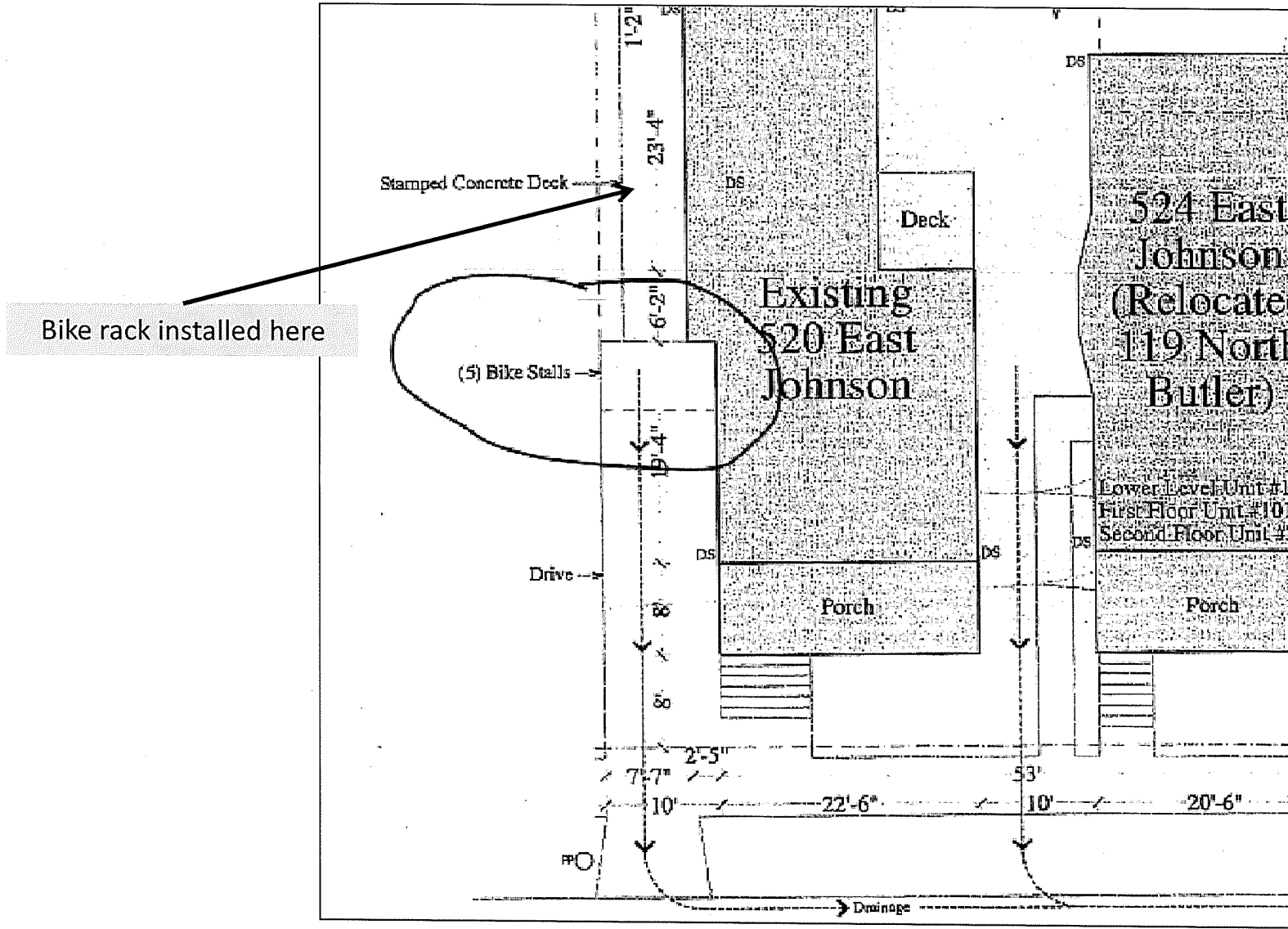
The project is a Planned Development, where the requirement for high-quality durable materials where buildings touch the ground is standard operating procedure. The window wells in the highly traveled/vulnerable areas of the site is out of compliance and has proved to be marginal and will result in present and future maintenance problems.

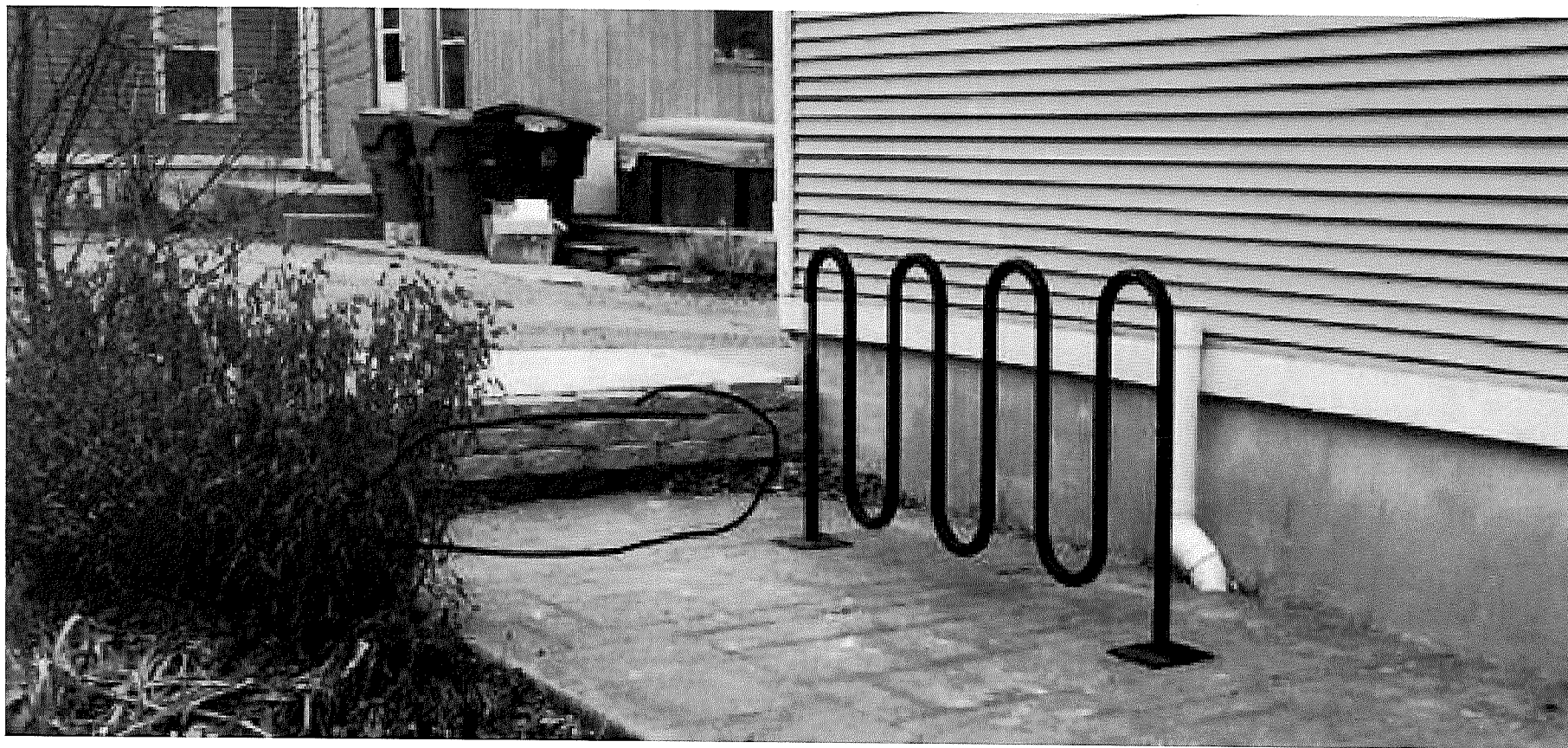
As noted above, the bike parking problem can easily be remedied by correct configuration and an approved rack, and by placing a single row of block at the base of the existing retaining wall, to create a step that would be acceptable.

Staff recommends the alteration be denied, and the requests be placed on file.

Attachments

# Bike parking approval next to 520 E. Johnson





The bike parking access issue could be fixed if one added a step/steps in the retaining wall, so a person need not climb such a rise with a bike to get to the path leading to Blair Street.



Inadequate depth for parking and access, need 11', provide about 6'-7'

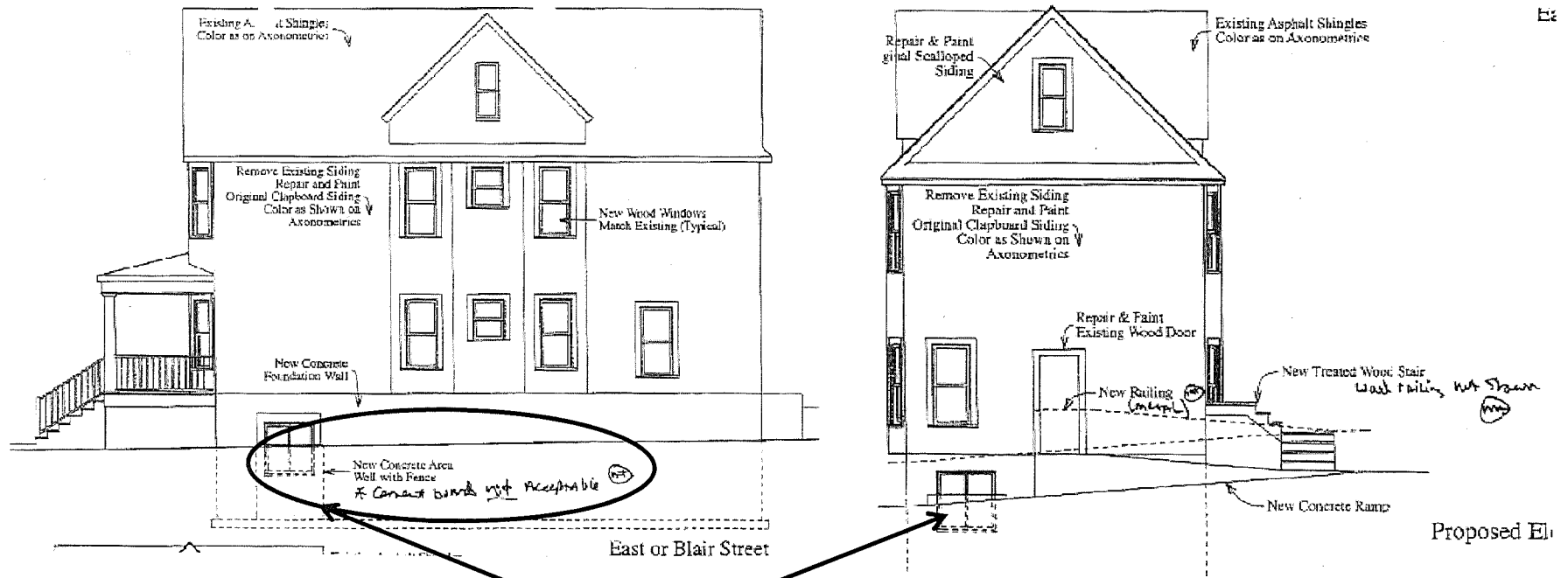
We also need a detail of the rack, to be sure it meets code and a re-orientation of the rack/bike parking stall. This configuration does not appear to hold bicycles correctly in their spaces, and affords little or no access around parked bikes in the rack. Rotating a rack and/or having a different rack design would accommodate the required bike parking





View from parked car space off E.  
Johnson Street looking toward driveway

# Approved plans for window well installation



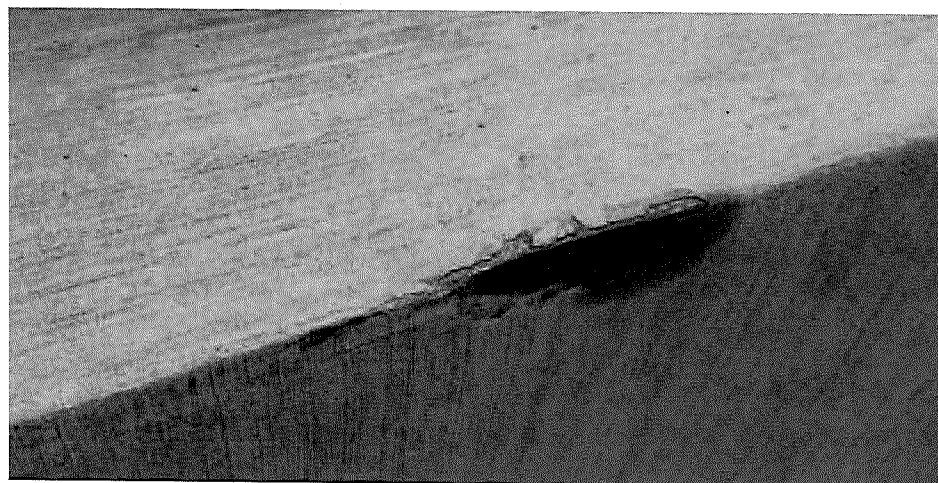
Unacceptable window wells installed here



Here is the window well at the rear (driveway):

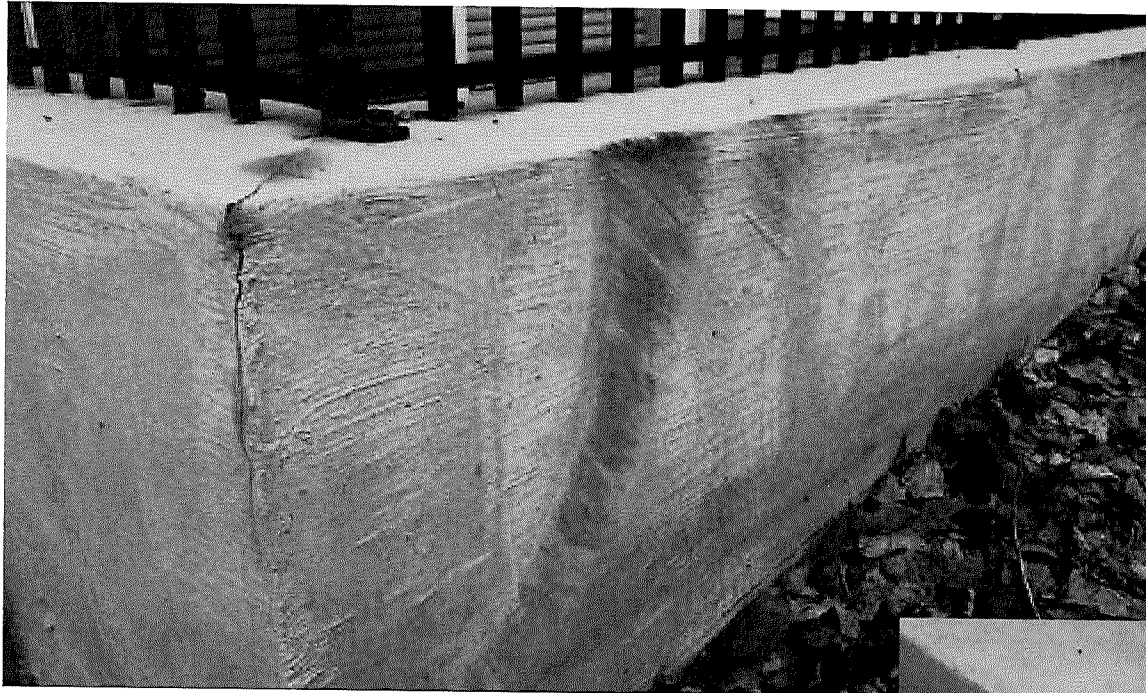


Here is a close-up of some existing damage, appear to be oxidizing/rusting and showing early sign of failure:



Here is the well by the sidewalk of N. Blair St., it already has a few marks where something hit it.

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Here is a close-up of a crack that has developed on top, runs from front-to-rear, dark spots show moisture penetrating the structure. This shows failure, which is why we did not allow these installed in this location, this way. Concrete or masonry would have been acceptable.

