

Motion Sheet for Grading & Building Height Special Exceptions at 1725 S Devonshire Drive

PETITION # PLNPCM2021-00238

Consistent with Staff Recommendation:

Motion to approve:

Based on the information listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission approve the Special Exception requests for grading and additional building height at 1725 S Devonshire Drive as presented in petition PLNPCM2021-00238.

Not consistent with Staff Recommendation:

Motion to approve with conditions modified by the Planning Commission

Based on the information listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission approve the Special Exception requests for grading and additional building height at 1725 S Devonshire Drive as presented in petition PLNPCM2021-00238, with the following modifications:

1. List the conditions that are to be modified, added, or removed.

Motion to deny

Based on the information listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission deny the Special Exception requests for grading and additional building height at 1725 S Devonshire Drive as presented in petition PLNPCM2021-00238 because evidence has not been presented that demonstrates the proposal complies with the following standards:

1. (The commission should make findings related to which standards are not complied with).

STANDARDS FOR THE ADDITIONAL HEIGHT AND GRADE CHANGES

21A.52.060: GENERAL STANDARDS AND CONSIDERATIONS FOR SPECIAL EXCEPTIONS:

- A. Compliance With Zoning Ordinance And District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.
- B. No Substantial Impairment Of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.

- C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.
- D. Compatible With Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.
- E. No Destruction Of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- F. No Material Pollution Of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.
- G. Compliance With Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter. (Ord. 10-16, 2016)

SPECIFIC HEIGHT SPECIAL EXCEPTION STANDARDS

Height Special Exception: The Planning Commission, as a special exception to the height regulations of the applicable district, may approve a permit to exceed the maximum building height but shall not have the authority to grant additional stories. To grant a height special exception the Planning Commission must find the proposed plan:

- a. Is a design better suited to the site than can be achieved by strict compliance to these regulations; and
- b. Satisfies the following criteria:
 - 1. The topography of the lot presents difficulties for construction when the foothill height limitations are applied,
 - 2. The structure has been designed for the topographic conditions existing on the particular lot, and
 - 3. The impact of additional height on neighboring properties has been identified and reasonably mitigated.
- c. In making these considerations the Planning Commission can consider the size of the lot upon which the structure is proposed.
- d. The burden of proof is upon the applicant to submit sufficient data to persuade the Planning Commission that the criteria have been satisfied.
- e. The Planning Commission may deny an application for a height special exception if:
 - 1. The architectural plans submitted are designed for structures on level, or nearly level, ground, and the design is transposed to hillside lots requiring support foundations such that the structure exceeds the height limits of these regulations;
 - 2. The additional height can be reduced by modifying the design of the structure through the use of stepping or terracing or by altering the placement of the structure on the lot;
 - 3. The additional height will substantially impair the views from adjacent lots, and the impairment can be avoided by modification; or
 - 4. The proposal is not in keeping with the character of the neighborhood.