



STAFF REPORT
Planning Commission
January 29, 2024

TO: Chair Wendy Bailey
Planning Commission Members
Anna Krstulic, Zoning Counsel

FROM: Basil Alani, Community Development Director
Abbie Aldridge, City Clerk

APPLICANT: Property owner, Amy Rodgers

PROPERTY: 6101 Delmar St - MISSION HIGHLANDS LOT 341 FAC-6135

ZONING: R-1

PROJECT: Exception for fence on a corner lot to project in front of the building line of an adjacent dwelling unit and be located on the property line

BACKGROUND:

6101 Delmar St is a standard corner lot with a new home. The applicant is requesting an exception for a new 6-foot privacy fence to project in front of the building line of the adjacent dwelling unit and be located on the property line. Per the site plan, the proposed fence location is at the street side property line, 12 feet from the street curb.

APPLICABLE CODE PROVISIONS :

Code Section 15-235(a) – Site Plan Review

(a) *Applicants. The following development activities shall require a site plan review subject to the procedures and criteria contained in the zoning regulations. No building permit shall be issued until the required review and approval of a site plan has occurred.*

Development Activity

In the R-1 district, any construction activity that:

- Adds to or replaces a portion of the principal building on more than fifty percent (50%) of the existing principal building footprint;*
- Adds an entirely new principal building to a lot;*
- Adds a solar energy system; or*
- Any application, regardless of the size or impact of the project, that requests an exception to the Dimension Standards in Section 15-296 or the Site Design Standards in Section 15-297.*

(d) *Review criteria. In considering any application for site plan approval, the review body shall give consideration to the criteria stated below, to the extent they are pertinent to the particular application. In addition, the review body may consider other factors which may be relevant to a particular application.*

- (1) *Whether the site is capable of accommodating the buildings, parking areas and drives with appropriate open space.*

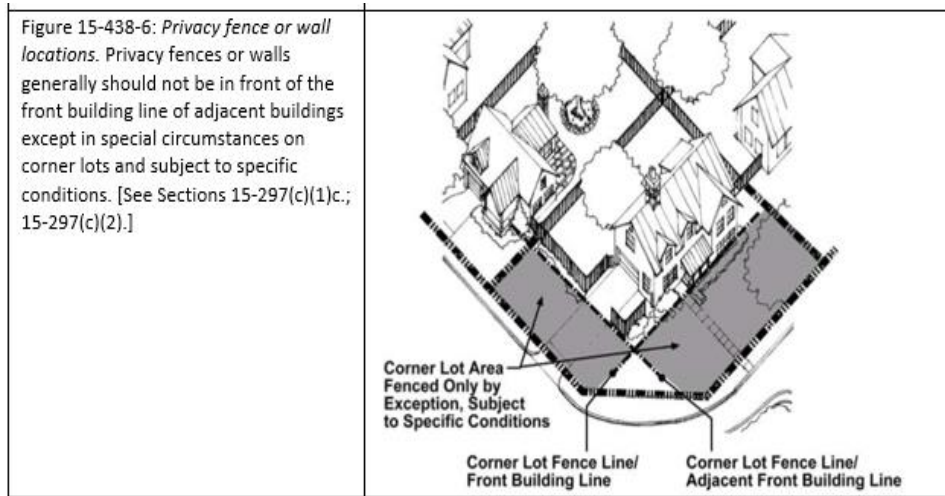
- (2) *Whether the plan provides for safe and easy ingress, egress and internal traffic circulation, and adequate access vehicles, pedestrians, and emergency service to all parts of the property and of all buildings and structures on the property.*
- (3) *Whether the plan is consistent with good land planning and site engineering design principles.*
- (4) *Whether an appropriate degree of harmony will prevail between the architectural quality and building materials of the proposed buildings and those of the surrounding neighborhood.*
- (5) *The character of the neighborhood.*
- (6) *The zoning and use of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses.*
- (7) *The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.*
- (8) *The length of time the property has remained vacant.*
- (9) *The extent to which approval of the application would detrimentally affect nearby properties.*
- (10) *The extent to which the proposed use and plan would substantially harm the value of nearby properties.*
- (11) *The extent to which the proposed use and plan would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.*
- (12) *The extent to which utilities and services, including, but not limited to, sewers, water service, police and fire protection, and parks and recreation facilities, are available and adequate to serve the proposed use.*
- (13) *The extent to which the proposed use and plan would create excessive stormwater runoff, air pollution, water pollution, noise pollution or other environmental harm.*
- (14) *The extent to which there is a need for the use in the community.*
- (15) *The economic impact of the proposed use and plan on the community.*
- (16) *The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to the zoning district regulations.*
- (17) *The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.*
- (18) *The conformance of the proposed use and plan to the City's Comprehensive Plan, and other adopted planning policies.*
- (19) *The recommendation of professional staff, or other professionals retained by the City to evaluate the application.*

Code Section 15-297. – Site design standards.

(c) **Fences and walls.** *A building permit shall be required for construction, alteration, replacement, repair or relocation of a fence or wall on any residential lot. The proposed fence or wall shall meet all standards of the City's building code and demonstrate that the following additional standards are met:*

- (1) *Generally.*
 - a. *Location.*

1. Fences/walls shall be located at or behind the front building lines of the principal building and any adjacent dwelling units.
2. In the case of a rear yard that abuts a street, fences/walls shall be located at least twelve feet (12') from the rear property line.
3. In the case of a corner lot, fences/walls shall be located at or behind the street-side building line(s) of any adjacent dwelling unit(s), and at least twelve feet (12') from the street-side property line. [See Section 15-438, Figure 15-438-6]



REVIEW CRITERIA:

Code Section 15-297 – Exceptions

Through the site plan process, the Planning Commission may grant exceptions to the site design standards in this Section 15-297, based upon the following criteria:

- (1) The exception will equally or better serve the intent statements for the particular standards being altered; (2) The exception meets any specific exception criteria identified in the standards, but shall not be granted to allow something that is specifically prohibited in the zoning regulations;
- (3) Any lot design exception is consistent with sound planning, urban design and engineering practices when considering the site and its context within the neighborhood;
- (4) Any building design exception is consistent with the common characteristics of the architectural style applied to the overall design of the building; and
- (5) The requested exception coordinates quality design of the building and site—primarily considering the integrity of the architectural style, the energy performance of the site and building orientation, and the relationship of the internal function of the building to the site, streetscape and adjacent property.

STAFF RECOMMENDATION:

Staff does not oppose the requested exception as there are no sight-line concerns. If Planning Commission grants the requested exception, staff recommends the following conditions:

1. Building permit must be obtained and fees paid, as required by City Code.
2. Application and approval are void if a building permit is not obtained within one year from the date of Planning Commission approval.