

Policy Briefing Summary

City Council



Regarding:	Resolution considering 1114 East High Street Special Exception Permit Amendment (Build-To and Transition Screening)
Staff Contact(s):	Benjamin Koby, Planner II, Matthew Alfele, City Planner
Presenter:	Benjamin Koby, Planner II
Date of Proposed Action:	September 15, 2025

Issue

Mike Ball ("Ball"), Applicant, has requested a Special Exception Permit ("SEP") for 1114 East High Street ("Property"), pursuant to City Code Sections 34-2.4.3.A.5 (Build-to), 34-4.7.1. (Transitions) and 34-5.2.15, which states a SEP may be granted for physical dimensional standards. Ball has requested to install a studio workshop space behind the existing office space on site ("Project"). The CX-5 Corridor Mixed Use 5 ("CX-5") District requires the front setback requirement to be 0' to 10' (Ch. 34 Sec. 2.4.3.A.4.) and a required primary street build-to width of seventy-five percent (75%) minimum (Ch. 34 Sec. 2.4.3.A.5.). The Property is currently nonconforming to these standards, and per City Code Section 34-5.3.3.C.3, all new buildings must occupy the Build-to Zone, until the required width percentages are met. Additionally, since the subject parcel directly abuts an R-A Zoned Parcel, a Type C Transition Screen is required along the shared property line.

Background / Rule

On March 11, 2025, the City's Planning Commission ("PC") reviewed the original Application and recommended approval to City Council. At that time, the Applicant was solely requesting relief from the Build-to Regulations outlined in Section 34-2.4.3.A.5. Subsequently, on April 7, 2025, City Council approved the SEP via Resolution #R-25-031.

During the review of the required Development Plan, it was determined that, in addition to the Build-to Regulation issue, the proposed development also conflicted with the Transition Screening regulations specified in Section 34-4.7.1.C. Pursuant to Section 34-5.2.15.E.1, the Applicant is now amending the original Application for relief from the Build-to requirements to also include a request for relief from the Transition Screening requirements.

On August 26, 2025, the PC held a Meeting regarding this proposal. The PC's discussion centered around transitions based on abutting uses and altering the conditions that limited the workshop to one (1) story in height. The PC recommends approving the SEP with conditions as proposed by City Staff.

Build-To:

The CX-5 Corridor Mixed Use 5 (CX-5) District requires the front setback requirement to be 0' to 10' (Ch. 34 Sec. 2.4.3.A.4.) and a required primary street Build-to width of seventy-five percent (75%) minimum (Ch. 34 Sec. 2.4.3.A.5.). The Property and existing building are currently nonconforming to these standards, and per City Code Section 34-5.3.3.C.3, all new buildings must occupy the Build-to Zone, until the required width percentages are met.

Transition Screening:

The Project area, zoned CX-5, is required to provide Type C Transition Screening along any lot lines of any adjacent R-A Zoned parcels (34-4.7.1.4.B.1). Type C Screening requires a 20' building setback and a moderate Transition Screen. A moderate Transition Screen can either be a Transition Screen Moderate-1 design with an 8' wide buffer strip along that R-A shared lot line, with at least two (2) large

trees and a 6' tall fence; or a Transition Screen Moderate-2 design 10' wide buffer strip with two (2) large trees, two (2) evergreen trees, and five (5) shrubs. There is already a 6'-7' wooden fence in place between the subject parcel and the abutting R-A Zoned parcel.

Analysis

Build-To:

The intent of the Build-to Zone requirements of the Development Code, born out of the goals of the Comprehensive Plan, speaks to the desire to create attractive and harmonious streets with a consistent pattern of development. The Build-to Zone's aim is to bring consistency by requiring new developments be placed forward on a property close to the primary street lot lines. It is also clear that the Comprehensive Plan does have aims to ultimately reduce setbacks in Urban Mixed Use Corridor areas and bring structures forward to create a cohesive and pedestrian-friendly streetscape. The Build-to requirements of the Code support a built environment along this corridor as envisioned by the Comprehensive Plan.

However, the majority of properties along this section of East High Street are consistent with the setback range of the Property and are nonconforming under the current Code. Most other structures on the block are set back considerably behind the Build-to Zone and would not meet the Build-to width requirement either. The built environment near the Property on the southern side of East High Street has a distinct residential look and feel with large front yards and a residential built form. A strict application of the Code would alter the existing pattern of development that may not be consistent with the goals of the Comprehensive Plan. The built form guidance of the Urban Mixed Use Corridor is intended to consider the existing residential, environmental, and historic contexts of an area. While the neighboring uses adjacent to the Property are not residential currently, the buildings themselves were residences in the past and still maintain the same form. Considering the proposed use of the proposed structure and the existing use of the property, it is more appropriate for the proposed workshop to be located behind the existing building. The proposed use of Light Industrial, while allowed by-right in the District, would not lend itself to a strong activation of a pedestrian-friendly streetscape. Keeping the Light Industrial use behind the existing structure will maintain the existing, relatively coherent, building pattern in this section of East High Street.

Also, considering the topography of the south side of High Street near the Property, the slope of the land would present challenges to building a workshop at the scale the Applicant is requesting. The building envelope for the front of the Property would likely not meet the Applicant's needs.

Transition Screening:

Reducing the Transition Screening requirement from 20' to 5' will reduce the buffer between the proposed Light Industrial use and the residence at 1119 Meriwether Street. The intent behind the Transition Screening requirements are "to protect and enhance the character and stability of neighborhoods [and] the compatibility of new development with its surrounding context where the scale of development changes between lots of differing zoning districts; and to protect and maintain the environmental quality of the City by incorporating trees and planting requirements in transition buffers and screening." (Sec. 34-4.7.1.A)

The proposed Light Industrial use is permitted by-right and supports the long-term vision for the corridor's evolution into a more diverse and economically productive area. While the corridor is currently characterized by repurposed residential structures housing small professional offices, the introduction of low-impact production aligns with anticipated redevelopment patterns. This use complements future land use objectives by encouraging a broader mix of employment-generating activities.

Given the constraints on the site, a 20' setback is not feasible. The building would be pushed into the parking area and that would render the Project unfeasible. The parking is shared between a handful of existing businesses that front on East High Street. There is not enough space behind the existing

building to place a structure of the proposed size with the required transition screening requirements without impeding the parking area.

The Comprehensive Plan clearly values transitioning between high intensity to lower intensity uses to ensure that residential uses are not adversely impacted by more intense commercial uses. However, given the proposed scope and design of the proposed development, the impacts will be minimal to the residence on Meriwether. All traffic in and out of the structure will be blocked by the building itself as the doors will be oriented toward the parking lot on the Property. Also, the Comprehensive Plan speaks to a goal of taking site-specific considerations into account and since the layout of the parking of the lot prevents the proposed building from adhering to the required setback, a SEP would be reasonable for approval.

Financial Impact

Chapter 8 of the Comprehensive Plan and the "Economic Development Strategic Plan: 2024-2028" both have the goals of embracing small business growth to diversify the economic base in the City, through sustaining small business and keeping business in town and promoting economic sustainability.

Recommendation

City Staff recommends City Council adopt the attached Resolution approving the Applicant's request for relief from the Build-to requirement (Section 34-2.4.3.A.5) and the proposed modification to the Transition Screening regulations (Section 34-4.7.1.C), as presented.

The PC recommends approval of the Application.

Recommended Motion (if Applicable)

Motion to Approval:

"I make a Motion to adopt the attached Resolution recommending approval of the SEP Application in the CX-5 Corridor Mixed Use 5 Zone at 1114 East High Street to permit the construction of a studio workshop space outside of the Build-to requirement, subject to the following conditions:

1. The size, location, and use will be consistent with the materials submitted in Application PL-25-0038 and PL-25-0041 both dated August 12, 2025;
2. Two (2) large trees shall be provided on the Property in accordance with Section 34-4.7 (Transition Screening). However, placement of these trees is not required between the studio workshop and the property line;
3. A minimum six (6) foot fence—existing or future—shall be provided between the studio workshop and the property line. The fence shall be maintained and kept in good repair;
4. The studio workshop shall not exceed one (1) story in height; and
5. Any condition(s) proposed by PC.

OR,

Motion for Denial:

"I make a Motion to deny this SEP Application for a SEP in the CX-5 Corridor Mixed Use 5 Zone at 1114 East High Street to permit the construction of a studio workshop outside of the Build-to requirement."

Attachments

1. Resolution
2. 1114 E High St SEP Application
3. 1114 E High St SEP Presentation for City Council