

# Policy Briefing Summary

## City Council



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<b>Regarding:</b>	<b>Resolution for Special Exception Build-To Requirement (1107 Myrtle Street)</b>
<b>Staff Contact(s):</b>	Benjamin Koby, Planner II
<b>Presenter:</b>	<b>Benjamin Koby, Planner II</b>
<b>Date of Proposed Action:</b>	October 6, 2025

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### Issue

The Applicant is requesting a Special Exception Permit ("SEP") pursuant to City Code Sections 34-2.4.3.A.5 (Build-to) and 34-5.2.15 (Special Exception), which states a SEP may be granted for the modification of any physical dimensional standards within Division 2.10, 4.3, 4.5, 4.7, and 4.8.

### Background / Rule

In the Residential A ("R-A") Zoning District, there is a required Build-To width of fifty percent (50%). This regulation means that within the front setback range (ten to twenty feet (10' - 20'), or utilizing the existing range), building(s) must take up fifty percent (50%) of that space to meet that requirement. The existing house (with a width of 21' - 9"), proposed to stay on site, does not meet the Build-To width requirement (minimum width of twenty-five feet (25') of the parcel (fifty feet (50') wide). The Applicant is applying for a SEP to facilitate the development of three (3) attached dwelling units to the rear of the parcel.

The Comprehensive Plan's Future Land Use Map designates this area as General Residential, and it is intended to provide an opportunity for a range of housing types within residential areas and to increase housing choice within the existing neighborhoods. Per Table 2 Land Use Category Descriptions (Page 29), general residential areas should "[a]llow up to 4-unit dwellings if the existing structure is maintained."

Within Chapter 4 of the Comprehensive Plan, Goal 3 states the goal to "[p]rotect and enhance the existing distinct identities of the city's neighborhoods and places while promoting and prioritizing infill development, housing options, a mix of uses, and sustainable reuse in our community."

### Analysis

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 toward the primary street lot lines. The existing structure is already meeting the Build-To Zone and setback requirements. However, the Build-To width requirements are intended to manage lot sizes by promoting subdivision of parcels to create new and smaller lots, so it is easier to meet the Build-To width requirements of the District in which you are located. However, with this being an infill development on a parcel with an existing house, subdivision would not be a feasible strategy. Therefore, the SEP is the most viable and logical alternative to allow for this development. Along with a suite of other Amendments, NDS Staff is currently developing a proposed Development Code Amendment, that would address this issue for future projects and no longer require SEP review.

### Financial Impact

None.

**Recommendation**

Based on the proposed use of the structures, compliance with the goals of the Comprehensive Plan, the existing streetscape, and neighborhood characteristics, NDS Staff recommends that City Council approve the SEP to the Build-To width requirements. The City's Planning Commission ("PC") recommended approval its Meeting on September 9, 2025.

**Recommended Motion (if Applicable)**

1. "I Move approval of this Application for a SEP in the R-A Residential A Zone at 1107 Myrtle Street o permit the construction of three (3) single unit homes 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-25-0033 dated February 12, 2025; and
  2. Any and all condition(s) proposed by the PC."

**OR,**

2. "I Move denial of this Application for a SEP in the R-A Residential A Zone at 1107 Myrtle Street to permit the construction of three (3) single unit homes outside of the Build-To requirement."

**Attachments**

1. Development Plan Overview
2. Planning Commission Report
3. Special Exception Request Letter
4. RESOLUTION APPROVING A SPECIAL EXCEPTION PERMIT