

City Council Members,

The Traditional Neighborhood (T Districts) Density and Dimensional Standards Table Footnote (e) of the City's zoning code clearly states:

Title VIII – Zoning Code – Chapter 66 – Article III – 66.330 – Traditional Neighborhood District Density and Dimensional Standards – Section [66.331](#) – Density and Dimensional Standards Table – Footnote (e)

(e) Except in the river corridor overlay district, height of structures may exceed the maximum if set back from side and rear setback lines a distance equal to additional height. Structures shall be no more than twenty-five (25) feet high along side and rear property lines abutting RL-RT2 residential districts; structures may exceed this twenty-five (25) foot height limit if stepped back from side and rear property lines a distance equal to the additional height.

The Zoning Committee and Planning Commission approved a CUP and variances for the 695 Grand proposal (#21-289-699) that are in direct violation of this part of the zoning code. The developers of 695 Grand are asking to build a structure in a T3 zone that abuts an RT2 residential district to the rear of the property. The developers are asking to be allowed to build a 60-foot wall adjacent to the lower density residential district **without any step back from the rear property line**. The zoning code, which applies city-wide and is not just part of the East Grand Avenue Overlay, only allows for 25 feet which can only be exceeded if stepped back from the property line by a distance equal to the additional height. Per the code, this project would have to step back almost 35 feet from the rear property line to be in compliance. The asked for height is 140% over what is allowed by existing zoning code.

The CUP and variances requested by the developers are not minor adjustments to the existing zoning code. The developers have asked you to invalidate and make them exempt from these sections of the zoning code, which are applied all across the city, only to meet the economic expectations that “work” for them. Referencing the zoning code again, “Economic considerations alone do not constitute practical difficulties (Section 61.601 (c))”.

The Zoning Code is explicit in identifying the standards for the layout of putting a T3 district adjacent to an RT2 district. Based on the specific language in the zoning code, I respectfully request that you reverse the decision by the Planning Commission and deny the CUP and variance requests for the 695 Grand proposal.

Thank you.

Gary R. Todd