

B. FINAL DEVELOPMENT PLAN APPROVAL - CORBIN CROSSING - Vicinity of the southwest corner of 138<sup>th</sup> Street and Lamar Avenue

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1. APPLICANT: Polsinelli Shalton Flanigan Suelthaus, PC is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting final development plan approval to allow a deviation to the allowed height for four apartment buildings.
3. LOCATION: The subject property is located in the vicinity of the southwest corner of 138<sup>th</sup> Street and Lamar Avenue.
4. EXISTING ZONING: This property is currently zoned RP-5, Planned Apartment House District.
5. ANALYSIS: The applicant is requesting final development plan approval for a deviation from the allowed building height for four existing multi-family buildings. Buildings 4, 5, 21 and 22 of the first phase of the Corbin Crossing development have been surveyed as being taller than the 45 feet allowed in the RP-5 zoning district. As defined by the Unified Development Ordinance (UDO) in Section 18.110.310, the height of a multi-family building is measured from the average ground level at the front of the residence to the average height between the plate and ridge of a pitched roof. The following heights have been measured for each of the four buildings:

Building 4	46 feet, 6 inches (north elevation)
Building 5	47 feet, 11 inches (east elevation)
Building 21	46 feet, 4 inches (west elevation)
Building 22	46 feet, 3 inches (west elevation)

The approved final development plans and construction drawings for the buildings of the first phase indicated compliance with the height regulations. When the heights were measured in the field, however, certain elevations were shown as being taller than allowed. This issue was revealed when a zoning verification request with a survey was submitted to staff for review.

The Planning Commission or City Council may grant a deviation if they find that all the following requirements can be met:

**Uniqueness:** This property is not unique in size, shape, or location. The situation is unique, however, in that the city does not field check the

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heights of buildings after construction. The issue has been raised as the result of a zoning verification request with a survey, including building heights. Whether finished grades did not exactly match what was proposed or whether the spot that the heights were measured from is actually average grade, staff was not able to certify that the site complied in terms of building height. The applicant has requested the deviation to bring the site into compliance.

**Impact on adjacent property owners:** The staff does not anticipate any adverse impact on adjacent property owners from the granting of the requested deviation.

**Hardship:** Since the buildings are already built and occupied, the applicant would face considerable time and expense to reconstruct the roofs of these four buildings.

**Public Safety and Welfare:** The staff does not anticipate any impact on public safety and welfare should the deviation be granted.

**Intent of the Ordinance:** The regulations on building height help ensure compatible building heights on adjacent properties. To the north of Corbin Crossing is the Corbin Park commercial development which does not have a height limitation. To the west is undeveloped property which is zoned for office uses. There is no height limit in that zoning district. South of Corbin Crossing is property zoned RP-3, Planned Garden Apartment District, which has a building height limit of two stories, not to exceed 30 feet. To the east across the undeveloped portion of Corbin Crossing and Lamar Avenue is property zoned R-1, Single-Family Residential District, for the Nicklaus Golf Club at Lionsgate. In staff's opinion, the requested height deviation is not out of character with the surrounding land uses.

The requested deviation for building height of four buildings in the Corbin Crossing development arises from a situation that was brought to staff's attention by a zoning verification request. The city does not field check building height after buildings are completed in order to take subsequent enforcement action. Considerable time and expense would be required to modify the buildings, and staff is comfortable with the deviation.

6. **STAFF RECOMMENDATION:** Staff recommends approval of Final Development Plan, Corbin Crossing, subject to the following stipulation:

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- a. A deviation is granted from the maximum building heights for  
Buildings 4, 5, 21 and 22, as follows:

Building 4	46 feet, 6 inches
Building 5	47 feet, 11 inches
Building 21	46 feet, 4 inches
Building 22	46 feet, 3 inches