

**SUPPLEMENTAL STAFF REPORT ON VARIANCES REQUESTED FROM PLANNING COMMISSION**

**PLN-MAR-17-00033: CORE LEXINGTON LIMESTONE 685, LLC**

**REQUESTED VARIANCES**

1. Reduce the minimum off-street parking requirements by 18.5%, from 205 spaces to 160 spaces.
2. Reduce the minimum yard along the rear of 135 Virginia Avenue from 10 feet to 0 feet.
3. Reduce zone-to-zone perimeter screening requirements from 15 feet to 0 feet and eliminate the requirement for trees and shrubs.

**Landscape Buffer Update**

On September 19<sup>th</sup>, the Landscape Review Committee met; and although there was not a quorum for voting purposes, the members present voiced approval of the requested landscape variance to eliminate the perimeter landscaping requirements for 28 linear feet along the property boundary shared between 135 Virginia Avenue and 662 Maxwellton Court.

The Committee agreed that the parking garage ingress and egress located on Maxwellton Court was vital to the proposed project, and that a landscape buffer, with trees and shrubs, would not likely provide "buffering between incompatible land uses," considering the rear portion of the property on Virginia Avenue is occupied by a parking lot. The committee members present also agreed with the applicant that the building itself provides a buffer and only one tree would be lost within the relatively short distance. For these reasons, the staff is now recommending approval of the requested landscape variance, in addition to the parking and setback variances addressed in the previous staff report.

**The Staff Recommends: Approval of the requested variances,** for the following reasons:

- a. Granting the requested variances should not adversely affect the public health, safety or welfare, nor will it alter the character of the general vicinity. The applicant has supplied adequate parking, based upon its experience in building mixed-use/residential development in a number of other university communities across the country in similar near-campus locations. In addition, there will be no hazard or nuisance to the public because the purpose of the setback and landscape variances are to allow enough room to provide a safe exit from the parking garage onto Maxwellton Court.
- b. Approval of the variances will not result in an unreasonable circumvention of the Zoning Ordinance because the ordinance allows for reduction of parking inside the Infill and Redevelopment Area, this mixed-use project will be drawing more pedestrian traffic than automobile traffic.
- c. A special circumstance that applies to the subject properties that serves to justify the variances is that a form-based neighborhood business project is planned, which will be pedestrian-oriented and within walking distance of the University of Kentucky campus and medical facilities. In addition, the property itself is only 30 feet wide along Maxwellton Court, which is not enough room to accommodate both the necessary access, setbacks and landscaping, per the Zoning Ordinance.
- d. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship for the applicant. It would likely lead to excess parking that is not needed or desired, and would take up valuable space that can be utilized for retail or residential purposes. Additionally, the project would not have adequate access to the public right-of-way on Maxwellton Court if required to match the adjacent yard requirements near Maxwellton Court.
- e. The circumstances surrounding this request are not the result of actions taken by the applicant since

the adoption of the Zoning Ordinance. This project is not yet under construction, and its design is based on past experience of the applicant in similar situations and settings.

This recommendation of approval is made subject to the following conditions:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, or as amended by either a future Development Plan approved by the Commission or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
3. A note shall be placed on the Zoning Development Plan indicating the variances that the Planning Commission has approved for this property (under Article 6-4(c) of the Zoning Ordinance).
4. The variances are conditioned upon the mixed-use project being constructed, as planned for with the form-based neighborhood business project and as depicted on the development plan. Any new structures built on the property not in compliance with the form-based neighborhood business project shall comply with the required yard restrictions per Article 15-3 of the Zoning Ordinance.

TLW/BJR/JM/dw

9/7/2017, 9/27/2017

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