

B. PUBLIC HEARING ON ZONING ORDINANCE TEXT AMENDMENT

1. **ZOTA 2015-7: AMENDMENT TO ARTICLE 23A-7: EXPANSION AREA RESIDENTIAL 3 (EAR-3) ZONE SPECIAL PROVISIONS** – a Zoning Ordinance text amendment to allow for no more than twenty-five percent (25%) of the required off-street parking to be located between an apartment building and a collector street in the Expansion Area Residential 3 (EAR-3) zone.

REQUESTED BY: MV Residential Development, LLC

PROPOSED TEXT: (Note: Text underlined is an addition, and text ~~stricken through~~ is a deletion to the current Zoning Ordinance.)

ARTICLE 23A – EXPANSION AREAS ZONING CATEGORIES AND RESTRICTIONS

23A-7 EXPANSION AREA RESIDENTIAL 3 (EAR-3) ZONE

23A-7(k) SPECIAL PROVISIONS

1. Affordable housing units shall not be considered as dwelling units for the purposes of calculating maximum density, provided the number of affordable units does not exceed eight (8) units per gross acre.
2. At least twenty-five percent (25%) of the net developable acreage of any project in the EAR-3 zone shall be open space.
3. Permitted schools shall not be located on a lot exceeding 15 acres in area.
4. ~~There shall be no off-street parking permitted in a yard which abuts a collector street.~~ No more than twenty-five percent (25%) of the required off-street parking for a multi-family residential development shall be located between the closest residential building and the right-of-way of any collector street.

Staff Alternative Text:

23A-7(k) SPECIAL PROVISIONS

4. ~~There shall be no off-street parking permitted in a yard which abuts a collector street.~~ No more than twenty-five percent (25%) of the required off-street parking for a multi-family residential development **principal structure** shall be located between the closest residential building **wall plane of the structure** and the right-of-way of any collector street.

The Staff Recommends: Approval of the Alternative Text, for the following reasons:

1. The proposed text amendment to the special provisions of the Expansion Area Residential 3 (EAR-3) zone is a timely revision that will permit more flexibility and will encourage higher density development in close proximity to the collector street, as designated by the Expansion Area Master Plan and 2013 Comprehensive Plan.
2. The proposed text amendment would allow for a more even distribution of parking throughout a development, without creating a "sea of parking" directly adjacent to a collector street, which will promote safer and a more desirable development.

Staff Presentation: Ms. Wade presented the staff report, explaining that the petitioner is proposing to modify the Special Provisions of the EAR-3 zone in order to permit up to 25% of the parking between a building and a collector street. There is currently an explicit prohibition on parking in such a yard in the EAR-3 zone. The proposed text amendment would apply only to the EAR-3 zone, in which a multi-family residential development would be likely.

Ms. Wade stated that the EAR-3 zone is one of seven zoning categories created in the Expansion Area by the Expansion Area Master Plan (EAMP), which was drafted in 1996. In order to implement that plan, Article 23 of the Zoning Ordinance was drafted to regulate the parking in the EAR-3 zone, as well as the CC and ED zones. The only location where EAR-3 zoning is recommended is in Expansion Area 2a. The only remaining area where EAR-3 zoning is in place or recommended is along the east side of Polo Club Boulevard, between Winchester Road and Man O' War Boulevard. Polo Club Boulevard is the only collector street within Expansion Area 2a, is fully constructed, and serves as the main collector street for this portion of the Expansion Area.

Ms. Wade said that the petitioner believes that the existing requirements of the Zoning Ordinance are too restrictive with regard to the EAR-3 zone, so they are proposing to modify them to be allowed to place up to 25% of the parking for a development between the building and the collector street. The petitioner has a development plan that was recently approved by the Planning Commission, which is the only existing development plan for land zoned EAR-3. Referring to that development plan, Ms. Wade explained that the yard starts at the wall plane of the structure; from the right-of-way of Polo Club Boulevard to that wall plane is considered the yard for the property.

* - Denotes date by which Commission must either approve or disapprove request.

Ms. Wade said that the development plan depicts two buildings, both of which have frontage on the collector street. In reviewing this request, the staff became concerned that a development plan could be filed with several buildings, and 25% of the parking for all of the buildings could be permitted along the collector street. The staff drafted an alternative text to clarify that up to 25% of the parking for a building that abuts a collector street could be permitted in the yard, but not 25% of the total parking for the development.

Ms. Wade noted that the petitioner proposed for this text amendment to be associated with multi-family development, but the staff believes that it should be applicable to other principal uses in the EAR-3 zone, such as churches and schools. In addition, the staff suggested changing the terminology to "wall plane," because that term is already defined in the Zoning Ordinance. Ms. Wade stated that the staff is recommending approval of the Staff Alternative Text, for the reasons listed in the staff report and on the agenda.

Commission Question: Mr. Penn asked if a denser landscape screen would be required in the situations in which this provision would apply. Ms. Wade answered that some screening is already required. Mr. Sallee added that 50% of the area between the wall plane and the street must be landscaped, regardless of this specific provision of the Zoning Ordinance. He noted that that requirement would serve as somewhat of an encouragement to locate buildings closer to the street, and it would be consistent with how all of the other zones treat building orientations to collector streets.

Petitioner Representation: Nick Nicholson, attorney, was present representing the petitioner. He stated that the petitioner is in agreement with the staff recommendation, and he requested approval.

Citizen Comment: There were no citizens present to comment on this request.

Action: A motion was made by Mr. Brewer, seconded by Ms. Mundy, and carried 7-0 (Berkley, Drake, Richardson, and Wilson absent) to approve the Staff Alternative Text of ZOTA 2015-7, for the reasons provided by staff.