

4. LEXINGTON HOME OWNERSHIP COMM II, INC. ZONING MAP AMENDMENT & BRADLEY SUBDIVISION (GLEN ARVIN TOWNHOUSES)

- a. PLN-MAR-16-00010: LEXINGTON HOME OWNERSHIP COMM II, INC. (AMD) – an amended petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a High Density Apartment (R-4) zone for 0.48 net (0.58 gross) acres of property, located at 366 and 370 Glen Arvin Avenue.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan recommends planning for safe affordable and accessible housing to meet the needs of older and/or disadvantaged residents (Theme A., Goal 1); supporting infill and redevelopment as a strategic component of growth, including compact and contiguous growth (Theme A., Goal 2 and Theme E., Goal 1b); providing for a variety of housing types in all neighborhoods (Chapter 3: Growing Successful Neighborhoods); and encouraging affordability in housing for all citizens and encouraging infill opportunities outside of downtown (Chapter 7: Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land).

The petitioner proposes an R-4 zone in order to develop 11 townhomes and off-street parking on the subject property, which is in excess of the existing conditional zoning (residential density) restrictions approved for this site in 2006. They desire to provide affordable housing options within the community with this development.

The Zoning Committee Recommended: **Approval**.

The Staff Recommends: **Approval**, for the following reasons:

1. The requested High Density Apartment (R-4) zoning for the subject property is in agreement with the 2013 Comprehensive Plan, and its Goals and Objectives, for the following reasons:
 - a. The Goals and Objectives recommend expanding housing choices and planning for affordable and accessible housing to meet the needs of older and/or disadvantaged residents (Theme A., Goal #1 and #1.c. and Chapter 3: Growing Successful Neighborhoods). This development will provide attached single-family residential dwelling units, which will provide for a mixture of types of housing in the immediate area, and the Housing Authority will maintain the units within their inventory as subsidized rental units for utilization by eligible low-income residents.
 - b. The Goals and Objectives support infill and redevelopment of a compact and contiguous nature as a strategy for community growth (Theme A., Goal 2 and Theme E., Goal 1b). The applicant is proposing to add 11 dwelling units, at a density of 22.9 dwelling unit per acre, on property that has been identified as part of a vacant land survey.
 2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00025: Bradley Subdivision (Glen Arvin Townhouses), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-16-00025: BRADLEY SUBDIVISION (GLEN ARVIN TOWNHOUSES) (AMD) (12/01/16)* - located at 366 and 370 Glen Arvin Avenue. **(Barret Partners)**

Note The purpose of this amendment is to remove the conditional zoning restrictions and revise the development.

The Subdivision Committee Recommends: **Approval**, subject to the following requirements:

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Division of Waste Management's approval of refuse collection locations.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Addition of date in Planning Commission certification.
8. Revise note #11 timing element to include approval of Zoning Compliance permit.
9. Denote compliance with tree canopy requirements (30% required).
10. Resolve dumpster location.

Chairman Wilson disqualified himself from the meeting for this case because of a conflict of interest. He turned over the chairmanship to Mr. Penn, Vice-Chair.

Staff Zoning Presentation – Ms. Wade presented the staff report and recommendations of the proposed amended zone change.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Development Plan Presentation - Mr. Martin presented the staff report on the development plan and said that the staff was concerned with note #8; the storm water drainage may require off-site easements. Another concern is the public service vehicles having access to this site.

Commission Comments – There were questions in regard to waste services accessing private property to have permission to turn around.

Petitioner Presentation – Darby Turner, Bingham Greenbaum Doll, LLP, was present representing the petitioner. He said that the applicant is in agreement with the staff's recommendations.

The following citizens were present and spoke in favor of this application:
Jeremiah Myers, 700 E. Loudon Avenue, behalf of Habitat for Humanity, said that he is in support of affordable housing in the area and of this zone change.

The following citizens were present and spoke in opposition to this application:
John Dawson, 374 Glen Arvin Avenue, said that he is concerned with the congestion and the small space for 11 units. The public and emergency services need to back their vehicles down Glen Arvin since there isn't a turn-around area at the end of the street.

Charles Robinson, 384 Glen Arvin Avenue, said that he is concerned that if an emergency occurs with the senior citizens, the response team will be unable to get their vehicles in the small space.

Yvonne Jones, 415 Glen Arvin Avenue, said that she is also concerned with the congestion and the lack of parking.

Charles Smith, 424 Glen Arvin Avenue, said the area is currently residential and doesn't like the idea of apartments in the area.

Cecil Wolfal, 385 Glen Arvin Avenue, said that he is also concerned with the congestion and the lack of parking.

Petitioner Rebuttal – Mr. Turner said that the development will have approximately the same number of bedrooms as the prior approved development. He said that there will be 16 off-street parking spaces and the neighborhood's concern regarding the congestion and inability to turn around will be solved.

Staff Rebuttal – None.

Commission Comments – There was concern of the emergency units traveling down the congested street. Mr. Greg Lengal, Division of Fire and Emergency Services, said that the road is narrow with parking allowed on both side of the street. They currently need to back out and he hopes this change will relieve that issue.

Zoning Action – A motion was made by Mr. Cravens, seconded by Mr. Smith, and carried 9-0 (Wilson disqualified, Brewer absent) to approve PLN-MAR-16-00010: LEXINGTON HOME OWNERSHIP COMM II, INC. (AMD), for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Mr. Smith, and carried 9-0 (Wilson disqualified, Brewer absent) PLN-MJDP-16-00025: BRADLEY SUBDIVISION (GLEN ARVIN TOWNHOUSES) (AMD), for the reasons provided by the staff.