

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS – Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. BURLEY PARTNERS, LLC, ZONING MAP AMENDMENT & LYNN GROVE ADDITION, LOTS 8-17 (BURLEY CONDOMINIUMS) ZONING DEVELOPMENT PLAN

- a. MARV 2014-8: BURLEY PARTNERS, LLC (6/1/14)* – petition for a zone map amendment from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for 0.9 net (1.1 gross) acres, for property located at 201 & 205 Burley Avenue; 1107, 1109 & 1111 Stillwell Avenue. Dimensional variances are also requested with this application.

COMPREHENSIVE PLAN AND PROPOSED USE

Related to the proposed rezoning, the 2013 Comprehensive Plan Goals and Objectives recommend expanding housing choices (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 well-designed neighborhoods and communities (Theme A, Goal 3); and improving a desirable community by working to achieve an effective and comprehensive transportation system (Theme D, Goal 1). *Chapter 7: Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land* of the 2013 Plan also addresses specific recommendations for Infill and Redevelopment within Lexington-Fayette County.

The applicant proposes redeveloping the subject property with a combination of single family townhouse and multi-family dwelling units, and associated off-street parking. The plan depicts 14 dwelling units, which represents a density of 15.55 dwelling units per net acre. Dimensional variances are requested in conjunction with the requested zone change for the subject property.

The Zoning Committee Recommended: Approval, for the reasons provided by staff.

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's Goals and Objectives for the following reasons:
 - a. The Goals and Objectives recommend expanding housing choices within the community. This development will provide two types of housing on the subject property, with single-family residences remaining in the immediate vicinity (Theme A, Goal 1).
 - 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 14 dwelling units, at a density of 15.55 dwelling units per acre, where only one residence now exists. The proposed density is more compatible with the current redevelopment trend in this neighborhood.
 - c. The Goals and Objectives support improving a desirable community by working to achieve an effective and comprehensive transportation system (Theme D, Goal 1). The proposed development can provide pedestrian connections and street improvements in a neighborhood with a higher than average number of pedestrians and students.
 - d. *Chapter 7* of the 2013 Plan also addresses specific recommendations for Infill and Redevelopment within Lexington-Fayette County, including consideration of multi-modal transportation and open space (pg. 101), and respecting the context and character of a neighborhood (pg. 102). In designing the redevelopment, the applicant has attempted to respect the scale and character of the neighborhood by proposing primary entrances along the street, and buildings with a maximum of two stories and sloped roofs to address the goal of well-designed neighborhoods and communities (Theme A, Goal 3).
 - e. The Goals and Objectives of the 2013 Comprehensive Plan are supported by the applicant's requested rezoning, and the requested R-4 zone is compatible with the adjacent zoning to both the northwest (Riddell Plaza) and the east (Lynn Grove Addition).

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

Ms. Wade noted that the Planning Commission has considered several zone changes in the vicinity of the subject property recently, as well as a development plan for the Burley Condominium development on the adjacent property. Those redevelopment projects have made the neighborhood denser and have changed its character significantly, which the staff had to take into consideration as part of their review of this request.

Ms. Wade stated that the petitioner is proposing to construct 14 dwelling units on the subject property, for a residential density of just over 15.5 dwelling units per acre. The petitioner contends that the requested rezoning is in agreement with the 2013 Comprehensive Plan. Past Comprehensive Plans recommended Medium Density Residential land use, the density of which is slightly below what is being proposed for the subject property. Ms. Wade said that, in reviewing this request with regard to the 2013 Comprehensive Plan, the staff found that several of the Goals & Objectives would be furthered by the proposed rezoning. The Comprehensive Plan recommends expanded housing choices; supporting Infill & Redevelopment as a strategic component of growth; specifically including compact and contiguous growth; providing for well-designed neighborhoods and communities; and improving desirable communities by working to achieve effective and comprehensive transportation systems. The staff specifically reviewed Chapter 7 of the Comprehensive Plan, which discusses Infill & Redevelopment strategies and makes specific recommendations.

Ms. Wade stated that, since the proposed development would provide two different kinds of housing types to go along with the existing single-family and multi-family residences in the immediate vicinity, the staff believes that it furthers the goal of encouraging various housing types and having expanded housing options. In addition, the corollary development plan depicts dwelling units that are oriented toward the street with parking to the rear, which is another recommendation of Chapter 7 of the Comprehensive Plan. Although this proposal is not quite as dense as some of the other recent developments in the area, it does propose to add density in a compact and contiguous form, which is specifically recommended by the Goals & Objectives. The staff believes that the petitioner has attempted to respect the character of the neighborhood in terms of the scale of the proposed development by proposing units that are only two stories tall, with entrances that are on the street and sloped roofs, all of which are also specifically recommended by Chapter 7 of the Plan. Chapter 7 also includes consideration of multi-modal transportation and open space, as well as respecting the context and character of a neighborhood.

Ms. Wade stated that the staff noted in their report how important they believed the street improvements along Burley and Stillwell Avenues would be, particularly with regard to pedestrian accommodations, since there are no existing sidewalks along the frontages of the subject property. Those road improvements would contribute to the proposed development addressing Theme D, Goal 1 of the Comprehensive Plan, which refers to the need for a comprehensive transportation system in the area. That transportation system is particularly important in the vicinity of the subject property, given the nature of the student population in the area. The staff believes that the proposed R-4 zone would be compatible with the existing R-4 on either side of the subject property. The staff took into consideration recent zone changes in the neighborhood and the gradual densification of the area, and believes that Burley Avenue is the most logical physical boundary for land use separation between the single-family uses to the southwest toward American Avenue, and multi-family uses between Burley and Virginia Avenues. That boundary will help to preserve the lower-density character of the rest of the neighborhood.

Ms. Wade stated that the staff and the Zoning Committee recommended approval of this request, for the reasons as listed in the staff report and on the agenda.

Development Plan Presentation: Mr. Martin presented the corollary zoning development plan, further orienting the Commission to the location of the subject property. He stated that the petitioner is proposing to construct one bank of units with frontage on Stillwell Avenue, and another with frontage on Burley Avenue, for a total of 14 units. The units are proposed to be a mixture of two-story townhouses and two-story, two-unit duplexes. Parking is proposed to the rear of the structures, with access to Stillwell Avenue. The 44 bedrooms proposed in this development require 40 parking spaces; the petitioner is proposing to provide 46 spaces. Referring to a rendered development plan, Mr. Martin indicated the proposed open space areas. He said that the proposed development does meet the open space requirement, based mostly on balconies, sidewalks, landings, and a small green area at the rear of the property.

Mr. Martin stated that the development is proposed to be located very close to the street, with a 5' building line, for an urban presentation to the street. The total square footage proposed for the development is 11,600 square feet for the buildings, with 29.5% lot coverage; the requested R-4 zone allows up to 30% lot coverage. The proposed floor area ratio is .58, which falls under the maximum of .7. Mr. Martin noted that, with the lot coverage and height restrictions, it was unlikely that any further development could occur on the property.

Mr. Martin said that this plan has undergone several revisions. Referring to the revised conditions that were distributed to the Commission members prior to the start of the hearing, he noted that there were initially a large number of conditions, but many of those have been met through the revision process:

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval is null and void.

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS – Following abbreviated hearings, the remaining petitions will be considered.

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- Staff Reports (30 minute maximum)
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1. BURLEY PARTNERS, LLC, ZONING MAP AMENDMENT & LYNN GROVE ADDITION, LOTS 8-17 (BURLEY CONDOMINIUMS) ZONING DEVELOPMENT PLAN

- a. **MARV 2014-8: BURLEY PARTNERS, LLC (6/1/14)*** – petition for a zone map amendment from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for 0.9 net (1.1 gross) acres, for property located at 201 & 205 Burley Avenue; 1107, 1109 & 1111 Stillwell Avenue. Dimensional variances are also requested with this application.

COMPREHENSIVE PLAN AND PROPOSED USE

Related to the proposed rezoning, the 2013 Comprehensive Plan Goals and Objectives recommend expanding housing choices (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 well-designed neighborhoods and communities (Theme A, Goal 3); and improving a desirable community by working to achieve an effective and comprehensive transportation system (Theme D, Goal 1). *Chapter 7: Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land* of the 2013 Plan also addresses specific recommendations for Infill and Redevelopment within Lexington-Fayette County.

The applicant proposes redeveloping the subject property with a combination of single family townhouse and multi-family dwelling units, and associated off-street parking. The plan depicts 14 dwelling units, which represents a density of 15.55 dwelling units per net acre. Dimensional variances are requested in conjunction with the requested zone change for the subject property.

The Zoning Committee Recommended: Approval, for the reasons provided by staff.

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's Goals and Objectives for the following reasons:
 - a. The Goals and Objectives recommend expanding housing choices within the community. This development will provide two types of housing on the subject property, with single-family residences remaining in the immediate vicinity (Theme A, Goal 1).
 - 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 14 dwelling units, at a density of 15.55 dwelling units per acre, where only one residence now exists. The proposed density is more compatible with the current redevelopment trend in this neighborhood.
 - c. The Goals and Objectives support improving a desirable community by working to achieve an effective and comprehensive transportation system (Theme D, Goal 1). The proposed development can provide pedestrian connections and street improvements in a neighborhood with a higher than average number of pedestrians and students.
 - d. *Chapter 7* of the 2013 Plan also addresses specific recommendations for Infill and Redevelopment within Lexington-Fayette County, including consideration of multi-modal transportation and open space (pg. 101), and respecting the context and character of a neighborhood (pg. 102). In designing the redevelopment, the applicant has attempted to respect the scale and character of the neighborhood by proposing primary entrances along the street, and buildings with a maximum of two stories and sloped roofs to address the goal of well-designed neighborhoods and communities (Theme A, Goal 3).
 - e. The Goals and Objectives of the 2013 Comprehensive Plan are supported by the applicant's requested rezoning, and the requested R-4 zone is compatible with the adjacent zoning to both the northwest (Riddell Plaza) and the east (Lynn Grove Addition).

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2. This recommendation is made subject to approval and certification of ZDP 2014-29: Lynn Grove Addition, Lots 8-17 (Burley Condominiums), 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. REQUESTED VARIANCES

1. Reduce the front yard setback from Burley Avenue from 20' to 5'.
2. Reduce the front yard setback from Stillwell Avenue from 20' to 5'.
3. Project exterior yard from 20' to 5'.
4. Reduce the property perimeter landscape buffer for an adjacent residential zone from 6' to 2.5'.
5. Reduce zone-to-zone perimeter landscape buffer for an adjacent business zone from 15' to 4'.

The Zoning Committee Recommended: Postponement, for the reason provided by staff.

The Staff Recommends: Postponement of the requested variances, for the following reason:

1. No justification has been submitted for the requested variances as of the date of this report. This should be provided by the applicant, and reviewed by the staff, prior to a substantive recommendation on the requested variances.

- c. ZDP 2014-29: LYNN GROVE ADDITION, LOTS 8-17 (BURLEY CONDOMINIUMS) (6/1/14)* - located at 1107, 1109 and 1111 Stillwell Avenue and 201 and 205 Burley Avenue. **(Abbie Jones Consulting)**

The Subdivision Committee Recommended: Postponement. There are questions regarding the compliance with the open space, off-street parking and floor area ratio requirements.

Should this plan be approved, the following requirements should be considered:

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. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Delete all subdivision plan lotting information and correct plan title.
8. Delete property description information.
9. Delete specific utility information and add proposed and existing easements.
10. Delete TPP.
11. Delete notes #4, #9 and #11.
12. Correct floodplain note to correct effective date.
13. Addition of street cross-sections.
14. Delete 12' pavement replacement reference.
15. Delete sight triangle reference.
16. Dimension sidewalks, landings and balconies.
17. Correct proposed zone in site statistics.
18. Clarify lot coverage and floor area ratio in site statistics.
19. Addition of building dimension.
20. Denote common space maintenance per Art 9-6(j) of the Zoning Ordinance.
21. Denote that compliance with Art. 15-7(a) and (b) shall be determined at final development plan.
22. Clarify or remove variance cross-sections.
23. Denote number of dwelling units and bedrooms in site statistics.
24. Discuss parking requirement generator (bedrooms vs. dwelling units).
25. Discuss street frontage improvements proposed.
26. Discuss right-of-way and building line along Stillwell Avenue.
27. Discuss compliance with minimum open space requirement.

Zoning Presentation: Ms. Wade began the staff's zoning presentation by entering into the record one letter of support received by the staff from Ginny Daley, a resident of the Burley Avenue neighborhood. She briefly oriented the Commission to the location of the subject property at the northern corner of the intersection of Burley and Stillwell Avenues, with Virginia Avenue to the northeast; South Broadway to the northwest; and Waller Avenue and South Limestone Street to the south and southeast, respectively. Zoning in the vicinity of the subject property includes single family residential on the other side of Burley Avenue; R-4 zoning adjacent to the subject property to the northwest and east; a small pocket of single family residential along Stillwell Avenue; and a B-4 area along Simpson Avenue that is currently occupied by a warehouse. Ms. Wade stated that the subject property has frontage along Burley and Stillwell Avenues.

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Ms. Wade noted that the Planning Commission has considered several zone changes in the vicinity of the subject property recently, as well as a development plan for the Burley Condominium development on the adjacent property. Those redevelopment projects have made the neighborhood denser and have changed its character significantly, which the staff had to take into consideration as part of their review of this request.

Ms. Wade stated that the petitioner is proposing to construct 14 dwelling units on the subject property, for a residential density of just over 15.5 dwelling units per acre. The petitioner contends that the requested rezoning is in agreement with the 2013 Comprehensive Plan. Past Comprehensive Plans recommended Medium Density Residential land use, the density of which is slightly below what is being proposed for the subject property. Ms. Wade said that, in reviewing this request with regard to the 2013 Comprehensive Plan, the staff found that several of the Goals & Objectives would be furthered by the proposed rezoning. The Comprehensive Plan recommends expanded housing choices; supporting Infill & Redevelopment as a strategic component of growth; specifically including compact and contiguous growth; providing for well-designed neighborhoods and communities; and improving desirable communities by working to achieve effective and comprehensive transportation systems. The staff specifically reviewed Chapter 7 of the Comprehensive Plan, which discusses Infill & Redevelopment strategies and makes specific recommendations.

Ms. Wade stated that, since the proposed development would provide two different kinds of housing types to go along with the existing single-family and multi-family residences in the immediate vicinity, the staff believes that it furthers the goal of encouraging various housing types and having expanded housing options. In addition, the corollary development plan depicts dwelling units that are oriented toward the street with parking to the rear, which is another recommendation of Chapter 7 of the Comprehensive Plan. Although this proposal is not quite as dense as some of the other recent developments in the area, it does propose to add density in a compact and contiguous form, which is specifically recommended by the Goals & Objectives. The staff believes that the petitioner has attempted to respect the character of the neighborhood in terms of the scale of the proposed development by proposing units that are only two stories tall, with entrances that are on the street and sloped roofs, all of which are also specifically recommended by Chapter 7 of the Plan. Chapter 7 also includes consideration of multi-modal transportation and open space, as well as respecting the context and character of a neighborhood.

Ms. Wade stated that the staff noted in their report how important they believed the street improvements along Burley and Stillwell Avenues would be, particularly with regard to pedestrian accommodations, since there are no existing sidewalks along the frontages of the subject property. Those road improvements would contribute to the proposed development addressing Theme D, Goal 1 of the Comprehensive Plan, which refers to the need for a comprehensive transportation system in the area. That transportation system is particularly important in the vicinity of the subject property, given the nature of the student population in the area. The staff believes that the proposed R-4 zone would be compatible with the existing R-4 on either side of the subject property. The staff took into consideration recent zone changes in the neighborhood and the gradual densification of the area, and believes that Burley Avenue is the most logical physical boundary for land use separation between the single-family uses to the southwest toward American Avenue, and multi-family uses between Burley and Virginia Avenues. That boundary will help to preserve the lower-density character of the rest of the neighborhood.

Ms. Wade stated that the staff and the Zoning Committee recommended approval of this request, for the reasons as listed in the staff report and on the agenda.

Development Plan Presentation: Mr. Martin presented the corollary zoning development plan, further orienting the Commission to the location of the subject property. He stated that the petitioner is proposing to construct one bank of units with frontage on Stillwell Avenue, and another with frontage on Burley Avenue, for a total of 14 units. The units are proposed to be a mixture of two-story townhouses and two-story, two-unit duplexes. Parking is proposed to the rear of the structures, with access to Stillwell Avenue. The 44 bedrooms proposed in this development require 40 parking spaces; the petitioner is proposing to provide 46 spaces. Referring to a rendered development plan, Mr. Martin indicated the proposed open space areas. He said that the proposed development does meet the open space requirement, based mostly on balconies, sidewalks, landings, and a small green area at the rear of the property.

Mr. Martin stated that the development is proposed to be located very close to the street, with a 5' building line, for an urban presentation to the street. The total square footage proposed for the development is 11,600 square feet for the buildings, with 29.5% lot coverage; the requested R-4 zone allows up to 30% lot coverage. The proposed floor area ratio is .58, which falls under the maximum of .7. Mr. Martin noted that, with the lot coverage and height restrictions, it was unlikely that any further development could occur on the property.

Mr. Martin said that this plan has undergone several revisions. Referring to the revised conditions that were distributed to the Commission members prior to the start of the hearing, he noted that there were initially a large number of conditions, but many of those have been met through the revision process:

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. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. ~~Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission Remove recording stamp box from plan.~~
7. ~~Delete all subdivision plan lotting information and correct plan title Revise note #13 to the approval of the Environmental Planner.~~
8. ~~Delete property description information Correct Stillwell Avenue cross-section to the approval of the Division of Traffic Engineering.~~
9. Delete specific utility information and add a listing of proposed and existing easements.
10. ~~Delete TPP Provided the Planning Commission grants the requested variances.~~
11. ~~Delete notes #4, #9 and #11.~~
12. ~~Correct floodplain note to correct effective date.~~
13. ~~Addition of street cross-sections.~~
14. ~~Delete 12' pavement replacement reference.~~
15. ~~Delete sight triangle reference.~~
16. ~~Dimension sidewalks, landings and balconies.~~
17. ~~Correct proposed zone in site statistics.~~
18. ~~Clarify lot coverage and floor area ratio in site statistics.~~
19. ~~Addition of building dimension.~~
20. ~~Denote common space maintenance per Art 9-6(j) of the Zoning Ordinance.~~
21. ~~Denote that compliance with Art. 15-7(a) and (b) shall be determined at final development plan.~~
22. ~~Clarify or remove variance cross-sections.~~
23. ~~Denote number of dwelling units and bedrooms in site statistics.~~
24. ~~Discuss parking requirement generator (bedrooms vs. dwelling units).~~
25. ~~Discuss street frontage improvements proposed.~~
26. ~~Discuss right-of-way and building line along Stillwell Avenue.~~
27. ~~Discuss compliance with minimum open space requirement.~~

With regard to the conditions for approval, Mr. Martin stated that #6 refers to the recording stamp box from the plan. He said that development plans themselves are not recorded; rather, a Land Use Certificate is recorded, per state requirements. Condition #7 refers to some geo-technical work that has been done on the property, which resulted in a report that was investigated by the Environmental Planner about a possible sinkhole on the subject property. The staff wanted to ensure that, when the petitioner is ready to develop the property, the Environmental Planner is notified and can investigate the property appropriately. Mr. Martin said that the petitioner has agreed to construct improvements to Stillwell Avenue, so condition #8 was necessary to denote the correct cross-section to reflect the improvements.

Commission Question: Mr. Owens asked if condition #10 would still be needed if the requested variances are approved. Mr. Martin answered that, should the Commission choose to recommend approval of the variances, that condition could be deleted.

Variance Presentation: Mr. Sallee presented the Supplemental Staff Report on this portion of the request. He stated that the petitioner is requesting five dimensional and landscaping variances in conjunction with this rezoning request: 1) to reduce the front setback along Burley Avenue to 5' from 20', which is normally required for a Group Residential Project; 2) to reduce the front setback along Stillwell Avenue to 5' from 20'; 3) to reduce the Project Exterior Yard from 20' to 5'; 4) to reduce the property perimeter landscape buffer adjacent to a residential zone from 6' to 2.5' along the rear property line, noting that the petitioner proposes to plant 3' tall shrubs in that location, where an existing chain-link fence and some trees are proposed to remain; and 5) to reduce the landscape buffer for an adjacent business zone from 15' to 4'.

Mr. Sallee stated that, at the Zoning Committee meeting three weeks ago, the staff originally recommended postponement of the requested variances, because they did not believe that a proper justification had been submitted for this request at that time. Since that meeting, the staff has received a more complete justification from the petitioner. The primary justification is twofold. First, the petitioner is requesting that the proposed development be reviewed more in keeping with a standard townhouse development, rather than a mixture of townhouses and "up and down" duplexes, as depicted on the development plan. That would result in setbacks that are not typical of a standard apartment development, as "Group Residential Projects" usually are classified. Second, the petitioner has a desire to maximize the amount of off-street parking that is available for the proposed development, in part due to concerns from some of the neighborhood residents.

Mr. Sallee said that those two factors, in the staff's opinion, provide the necessary justification for the approval of most of the proposed variances. This request was reviewed by the Landscape Review Committee, which, although there was no quorum present, two members made a recommendation to modify the requested variance adjacent to existing single-

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family residential uses. The Committee members believed that the requested 2.5' setback was too narrow of a buffer at that location, so they recommended the provision of a more substantial buffer. The staff is recommending that a variance be granted from 6' to 5', rather than to the 2.5' requested, and that the hedge material be provided as noted on the development plan. Mr. Sallee stated that the staff is recommending approval, with this one modification:

The Staff Recommends: Approval of the requested variances (#1-5), but only a perimeter landscape buffer (#4) variance from 6' to 5' along the northeastern property line, including elimination of a 6' tall fence (adjacent to single family homes), for the following reasons:

- a. Granting the requested variances, as modified along one property line, will not adversely affect the public health, safety or welfare; will not alter the character of the general vicinity, and will not cause a hazard or nuisance to the public. The setback variances will be more in keeping with the character of new townhouse developments in this immediate neighborhood. There will be more typical building setbacks along the other two property lines; and due to tree planting requirements in the Zoning Ordinance, the remaining yards between the street sidewalks and the new dwelling units will need to be planted with some trees.
- b. Granting these variances will not result in an unreasonable circumvention of the Zoning Ordinance because the overall redevelopment of this (former church) property will still be screened from adjacent properties, and would only be required 10' yards if it were all townhomes. The proposed design is to encourage a staggered, walk-up townhome style that is in keeping with the single-family residential character that some of the neighbors desire in this area.
- c. The special circumstance that applies to this property that does not generally apply to land in the general vicinity is that there is an existing, heavily vegetated buffer between the warehouse business and the subject property, as well as a strong desire by the applicant, and the neighbors they have consulted with, to provide as much off-street parking as possible at this location. Placing parking areas behind the front building line is encouraged by recent Infill & Redevelopment studies.
- d. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship for the applicant because of the limited space available on the site for two, full-width, vehicular drive aisles with a row of townhouse units – given their efforts to quell neighborhood concerns about the added need for off-street parking in this area.
- e. The circumstances surrounding the requested variances are not the result of prior actions taken by this applicant, as no construction (or even building demolition) has yet occurred on the subject site.

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

1. Provided the Urban County Council rezones the property R-4; 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, as amended by 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. A minimum landscaped buffer width of 5' shall be maintained along the northeastern property line, with hedge material at least 3' in height and trees spaced no more than 40' apart.

Petitioner Representation: Abbie Jones, Abbie Jones Consulting, was present representing the petitioner, who was not able to be present today. She stated that the petitioner has been working with the church that was formerly located on the property, and which is now no longer able to maintain it. The church supports the proposed development, as do many residents of the surrounding neighborhood, including some neighbors who opposed other developments in the area.

Ms. Jones stated that the petitioner believes that the proposed development is a unique mixture of townhome and apartment-style units for the subject property. That mixture includes an "up and down" apartment configuration that is atypical of this area, which necessitated the need for the requested variances. With regard to the staff's previous concerns about the open space requirements, Ms. Jones said that the petitioner took advantage of an allowable reduction due to the proximity of Burley Park, which is located just across the street from the subject property.

Ms. Jones said that the petitioner is in agreement with the staff's recommendations, including the modification to the requested variances, and she requested approval.

Citizen Comment: Ginny Daley, 136 Burley Avenue, stated that her residence is located five houses away from the subject property. She said that she believed that it was important for her to address the Commission in support of this request, since she has appeared before them several times in opposition to other recent developments in the area.

Ms. Daley said that, while the proposed development is not what she and her neighbors would have preferred for their neighborhood, the petitioner has reached out to them and is willing to hear their concerns. She added that the petitioner has been open and honest about the economics of the project; and, as a result, has been able to focus on the issues

that really mean the most to the neighborhood, such as parking, waste management, sidewalks, stormwater runoff, and how the development fits with the rest of the area. The neighbors' biggest concern was the parking plan for the proposed development, particularly the potential for on-street parking. Most of the similar developments in the area do not have sufficient parking on site, and the overflow parking blocks the streets and causes additional traffic. Ms. Daley stated that she believes that the parking configuration for the proposed development is commendable, as it moves parking out of sight and provides more spaces than any of the other new developments in the neighborhood. She added that the minimum setbacks are necessary to allow for that parking configuration.

Ms. Daley stated that she and her neighbors would prefer not to have additional high-density residential development added to their neighborhood, but the proposed development plan does address the issues they face as best as possible. She said that she was glad to be present in support of this request.

Rebuttal Comments: There were no rebuttal comments offered.

Zoning Action: A motion was made by Mr. Berkley, seconded by Mr. Wilson, and carried 8-0 (Blanton, Brewer, and Drake absent) to approve MARV 2014-8, for the reasons provided by staff.

Variance Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 8-0 (Blanton, Brewer, and Drake absent) to approve the five requested variances, changing #4 according to match the staff's recommendation as listed in the supplemental staff report, and subject to the recommended conditions.

Development Plan Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 8-0 (Blanton, Brewer, and Drake absent) to approve ZDP 2014-29, subject to the first nine conditions as listed in the revised staff recommendation, deleting #10.

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