

2. BLACKBURN DEVELOPMENT LLC ZONING MAP AMENDMENT & YELLMAN'S SUBDIVISION (POWERHOUSE CHURCH OF GOD)(BLACKBURN DEVELOPMENT) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-20-00009: BLACKBURN DEVELOPMENT LLC (8/20/20)* - a petition for a zone map amendment from a Two Family Residential (R-2) zone to a High Rise Apartment (R-5) zone, for 0.655 net (0.717 gross) acre, for property located at 325, 329, and 333 Blackburn Avenue. Two dimensional variances and a parking variance have also been requested.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant is seeking a zone change from the Two Family Residential (R-2) zone to the High Rise Apartment (R-5) zone for the properties located at 325, 329, and 333 Blackburn Avenue. The applicant is seeking to develop an apartment building associated with an established apartment development located at the corner of West Fourth Street and Blackburn Avenue. The applicant is seeking to replace one single family building and two vacant lots with the proposed structure. Two dimensional variances and a parking reduction are also requested with the zone change application.

The Zoning Committee Recommended: Postponement to the full Commission.

The Staff Recommends: Postponement, for the following reasons:

1. The zone change application for the subject property, as proposed, does not completely address how they are meeting the Goals and Objectives of the 2018 Comprehensive Plan. The following Goals and Objectives require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. Theme B, Goal #2.d: Prioritize multi-modal options that de-emphasize single-occupancy vehicle dependence.
 - b. Theme D, Goal #1.a: Support the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles.
 2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the 2nd Tier Urban Place Type, and the Medium-Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. B-SU11-1: Green infrastructure should be implemented in new development, is not applicable for this development.
 - c. C-PS10-2: Flexible parking and shared parking arrangements should be utilized.
 - d. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
 - e. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
- b. **VARIANCE REQUEST** – The applicant is requesting a reduction of front yard setback from 20 feet to 14 feet, side yard setback from 10 feet to 0 feet and a reduction of the required parking spaces from 46 spaces to 41 spaces (reduction of 5 required spaces).

The Subdivision Committee Recommended: Postponement, for the following reasons:

1. The applicant has not notified those individuals within the required notification area to seek a reduction for the property at 345 Blackburn Avenue.
 2. The applicant should consider the use of Group Residential Project standards to allow for greater reductions in the required parking, as well as remove the need for the side yard setback variance request.
 3. The requested front yard variance does not transition to the lower density residential setbacks that are established along Blackburn Avenue.
- c. PLN-MJDP-20-00019: YELLMAN'S SUBDIVISION (POWERHOUSE CHURCH OF GOD)(BLACKBURN DEVELOPMENT) (8/20/20)* - located at 325,329, 333 AND 345 BLACKBURN AVENUE, LEXINGTON, KY.
Project Contact: Carman

Note: The purpose of this development plan is to rezone the property.

The Subdivision Committee Recommended: Postponement, There were questions the development meeting Article 9-6(c)(1) front yard setback and Article 9-6(f) parking.

1. Provided the Urban County Council rezones the property R-5; 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.

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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. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Provided the Planning Commission grants the requested variances.
8. Denote who will be responsible for the maintenance for access easement.
9. Discuss Placebuilder criteria:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. B-SU11-1: Green infrastructure should be implemented in new development, is not applicable for this development.
 - c. C-PS10-2: Flexible parking and shared parking arrangements should be utilized.
 - d. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
 - e. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.

Staff Zoning Presentation – Mr. Baillie said that the staff has received two letters of opposition to this zone change. He then presented the staff report and recommendations for the zone change application. He said that this zone change is for the properties located at 325, 329, and 333 Blackburn Avenue, but 345 Blackburn Avenue plays an imperative part to the proposed development. He said the applicant is seeking to construct a three (3) story multi-family residential structure that will be associated with the existing apartments. The structure is proposed to be 36 feet in height and contain 36, one-bedroom apartment units. The proposed residential density of the development is 55 dwelling units per net acre. To complete the residential development, the applicant is seeking to share the existing entryway and amenity space located on 345 Blackburn Avenue. He added that there are two dimensional variances and a parking variance that have been requested with this zone change.

Mr. Baillie displayed photographs of the subject property and aerial photographs of the general area. He said that this area historically served industrial and warehousing type uses because of its location near to the railroad. He said that overtime, there has been more residential development in the area. The immediate vicinity includes Light Industrial (I-1), Two Family Residential (R-2), and High Rise Apartment (R-5) zoning. He said that the subject property is two vacant parcels and one currently standing single-family structure, which has been vacated.

Mr. Baillie said that the subject property is located within the Northside Historic Residential District, which was established in 1979. He added that the subject property is not located within an H-1 Overlay zone and the structure proposed for demolition is not recognized as a structure of historic significance. He said that this area has had numerous small area plans, including the Central Sector Small Area Plan, the Newtown Pike Extension Corridor Plan, and the Fourth Street Zoning Study, which have been adopted as part of the 2018 Comprehensive Plan. The Fourth Street Zoning Study specified the wants and needs of the neighborhood and future development in the area. He pointed to specific properties that were named as opportunity districts and recommended as mid-density residential uses, which include the subject property.

Mr. Baillie said that the applicant has reached out the neighborhood several times and he recommended that the applicant discuss those meetings at the time of their presentation. He said that the applicant is proposing the 2nd Tier Urban Place-Type, which is where many significant infill and redevelopment opportunities exist. He said that the high-rise zone is not generally included in the place type. However, it could work with step-downs and buffering. The applicant is proposing the Medium-Density Residential development type. He said that these are typically near commercial and employment uses and have access to greenspace. He said that the applicant has access to transit, to the future bike and trail system, and to Coolavin Park.

Mr. Baillie said at the Zoning Committee meeting, on July 2, 2020, there was a concern of how the development would fit with the surrounding properties. The need for a massing study showing how the development could fit into the context of the area and how the applicant could step-down from a four-story structure to meet the existing neighborhood was also discussed. Mr. Baillie displayed an exhibit that depicted the heights and approximate sizing of the proposed structures compared to the existing structure. He said that staff is concerned that there will be an adequate buffer between the proposed new development and the established homes. Staff is recommending conditional zoning restrictions along that boundary for this reason. He said that the staff is recommending approval of the zone change at this time, for the following reasons:

1. The requested High Density Apartment (R-5) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will expand housing choice (Theme A, Goal #1) by accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Goal #1.b). The proposed development prioritizes higher density housing by adding 36 dwelling units to a two-family residential area presently zoned for a total of six (6) dwelling units on the three existing lots.
 - b. The proposed development will support Infill and Redevelopment throughout the Urban Services Area as a strategic component of growth (Theme A, Goal #2) through the infill of two vacant parcels of land and increasing the utilization of an underutilized structure (Theme E, Goal #1.d).

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- c. The proposed rezoning will prioritize multi-modal options through the establishment of an enhanced transit stop (Theme B, Goal #2.d), while also prioritizing a pedestrian-first design that accommodates the needs of bicycle, transit and other vehicles through the increased infrastructure along the frontage of the property (Theme D, Goal #1.a).
2. The requested Development Type and proposed development is in agreement with the Fourth Street Zoning Study, which recommends medium density residential for this area.
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that supports pedestrian mobility, while also complementing the existing structures along Blackburn Avenue.
 - b. The proposed rezoning includes safe facilities for the potential users, through the incorporation of enhanced pedestrian facilities along the property frontage and the establishment of an enhanced transit stop. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and increases tree canopy coverage.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following buffering restriction is recommended via conditional zoning:
 - a. There shall be no external light along the southwest portion of the structure, which is adjacent to the property located at 321 Blackburn Avenue.
 - b. There shall be an 18-foot landscape buffer yard adjacent to the property located at 321 Blackburn Avenue for the length of any principal structure on the subject property.
5. This recommendation is made subject to approval and certification of PLN-MJDP-20-00019: Yellman's Subdivision (Powerhouse Church of God)(Blackburn Development), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Mr. Baillie said that the applicant has discussed construction of a bus shelter and bench at the corner near Blackburn Avenue and Fourth Street with LexTran. This will also allow a reduction in the number of required parking spaces.

Commission Questions – Mr. Pohl asked if there is any restriction on the height of the proposed building in this R-5 zone. Mr. Baillie said it is the height-to-yard ratio, which for this location is a 4:1 height-to-yard ratio, or a minimum of 10 feet. He said that the conditional zoning restrictions that the staff is recommending the yard buffer be 18 feet or the side of the property abutting the R-2 zone. If they sought to increase the height, they would need to request another variance from the Board of Adjustment (BOA). Mr. Pohl then asked if they could limit the height with this proposal. Mr. Baillie said that the Planning Commission could limit the height of this structure as part of a density restriction. Mr. Pohl also expressed concern regarding the layout of the proposed structure and asked if the structure could be flipped so that a large building will not be directly adjacent to an existing single-family home. Mr. Baillie said that the applicant may be able to comment on that and added that it is the reason why the staff is recommending the buffering restriction along the length of the building.

Development Plan Presentation – Ms. Gallt presented the revised preliminary development plan associated with this zone change. She displayed a color rendering of the proposed development and pointed to the existing building and to the proposed building. She said that the applicant is proposing 3-story building, 36 feet in height, with 36 one-bedroom units. She said that for the applicant to meet the parking requirements, that the open space will be restrictive.

Ms. Gallt said that revised conditions were distributed to the Planning Commission, as follows:

1. Provided the Urban County Council rezones the property R-5; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
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. Greenspace Planner's approval of the treatment of greenways, greenspace and open space.
- ~~6. United States Postal Service Office's approval of kiosk locations or easement.~~
- ~~7. Addition of required topography information source.~~
6. 8. Provided the Planning Commission grants the requested variances.
- ~~9. Denote: The 15' landscape buffer easement on property will be released prior to Final Development Plan certification.~~
7. 10. Discuss Denote maintenance responsibility for access easement.
- ~~11. Denote compliance with Article 15-7(a) of the Zoning Ordinance for infill and redevelopment shall be determined at time of Final Development Plan (note #10).~~
8. Addition of conditional zoning restrictions.
9. Denote: Documentation that the property at 345 Blackburn Avenue complies with Article 26-5 of the Zoning Ordinance and Article 18-3 for property perimeter screening prior to the certification of the Final Development Plan for 325-333 Blackburn Avenue.
10. 42. Discuss Placebuilder criteria:

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- a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
- b. B-SU11-1: Green infrastructure should be implemented in new development, is not applicable for this development.
- c. C-PS10-2: Flexible parking and shared parking arrangements should be utilized.
- d. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- e. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.

Ms. Gallit said that in regards to condition #7, the access to their parking area, they must use the access from the adjacent property; therefore, the applicant must create an access easement that will direct them to the parking lot in the rear. With the access being located on the adjacent property, it needs to be noted that Blackburn Development, LLC will be responsible for the maintenance of this easement. She said that condition #8, the conditional zoning restrictions need to be noted on the development plan. She pointed to the landscaping on the property, as well as on the adjacent property along Blackburn Avenue and Fourth Street and said that in regards to condition #9, the applicant needs to document that the perimeter screening meets the Zoning Ordinance. She added that the staff would like to have this completed prior to certification of the Final Development Plan.

Commission Questions – Ms. Plumlee asked where the waste services will be located on the proposed development. Ms. Gallit said that at this current time, they are going to share trash services with the adjacent property. The dumpster is located at the rear of the property.

Mr. Penn asked if these two properties are owned by the same entity. Mr. Baillie said that they have overlapping membership and ownership but it is not the exact same ownership group, which is why they are not consolidating the lots together. Mr. Penn is concerned that the access is placed on the adjacent property and it gets sold. Mr. Baillie added that there will be a Final Development Plan and a Record Plat for this and they will need to consolidate the three properties that are being rezoned today. They will also need to create the access easement and maintenance agreements.

Variance Presentation – Mr. Baillie presented the variance associated with this zone change. He said that the applicant is requesting two dimensional variances regarding the front and side yard setbacks, and a parking variance to reduce the required parking. They are seeking to reduce the required front yard setback from 20 feet to 14 feet and the side yard setback from 10 feet to 0 feet. He said that they are also seeking to reduce their off-street parking by 5 spaces.

Mr. Baillie said originally the applicant was seeking to match their front yard setback with 345 Blackburn Avenue, but the staff perceived that as not transitioning into the neighborhood and recommended to the applicant to review the context of the neighborhood and match that setback. He said that the side yard setback is a minimum of 10 feet or 4:1 height-to-yard ratio. He said that the applicant is proposing more buffering in the 18-foot area along the south of the property, so that they could shift the location of the building over to create a more cohesive development between the subject property and the 345 Blackburn Avenue.

Mr. Baillie said that the last variance is for a reduction to the required parking of 5 spaces. The applicant is only providing the spaces in the rear of the proposed development, but they have worked out a reciprocal parking agreement with 345 Blackburn Avenue, which has an excess of required parking by 11 spaces. This will bring the applicant's number of parking spaces to 41. They are able to ask for relief by 50%, but they are only asking for 5 spaces. He said that the applicant is also depicting that they are enhancing the right-of-way along Blackburn Avenue by increasing the width of the sidewalk and adding pedestrian amenities and incorporating on-street parking spaces.

Mr. Baillie said that the staff is recommending approval of these variances, for the following reasons:

1. Granting the requested variances should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity as the applicant is adding buffering to the adjacent single family land use, matching the character of the established neighborhood, and is providing adequate parking for their users and potential visitors.
2. The need for the variances arises from the special circumstances of the proposed development, and the established character of the neighborhood.
3. The strict application of the minimum side yard setback requirements would create an unnecessary hardship on the proposed development with the proposed buffering that has been added to the southwest portion of the property. Additionally, the strict application of the front yard set-back would necessitate the building be setback further than the surrounding residential development. Finally, the inclusion of the five (5) parking spaces would result in the decrease in useable open space and building footprint.
4. The requests are not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variances prior to commencing construction.

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

- a. Provided the Planning Commission approves the requested zone change to the R-4 zone, otherwise the requested variances shall be null and void.
- b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended to address design requirements of the Divisions of Engineering, Traffic Engineering, or Building Inspection.

- c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.

Commission Question – Ms. Plumlee asked how many on-street parking spaces there are. Mr. Baillie said there are 4 parking spaces on the street. He added that this development is proposing 36 one-bedroom apartment, which the parking requirement is 1.5 spaces per unit. The applicant has indicated that is more spaces than they need for this site. However, if you include those four on-street parking spaces, they are missing one parking space, but they asked for a reduction of five.

Mr. de Movellan confirmed that the front yard setback was originally 10 feet and has been changed to 14 feet, to meet the adjacent property. Mr. Baillie said that the property located at 321 Blackburn Avenue currently has a 14-foot setback.

Applicant Presentation – Mr. Chris Clendenen, attorney; Kevin Warner, Carmen Engineering; and Carson Baughman, Cowgill Properties, were present. Mr. Clendenen presented an architectural rendering and said that they are proposing to consolidate the three properties. He said that they are proposing a 2nd Tier Urban Place-Type and a Medium Density Development Type. He said that this is a complimentary project to the adjacent property, 345 Blackburn Avenue. He said that they don't have the same ownership, but there is a desire for the two projects to work together, complimenting each other, and sharing parking and amenities.

Mr. Clendenen said that the zone change is for 325, 329, and 331 Blackburn Avenue. He said that 325 Blackburn Avenue currently has a vacant single-family home located on it. He added that 329 and 331 Blackburn are vacant lots. He said that they are seeking two dimensional variance requests and a parking variance. He displayed some photos of the proposed site and nearby structures and said that 345 Blackburn was developed to cater to young professionals. He said that the parking area will be extended toward the proposed development.

Mr. Clendenen said that Mr. Baillie had mentioned a transit stop located in front of 345 Blackburn, but there isn't a shelter or bench. He said that LexTran has indicated to him that there has been increased ridership at this location and they are projecting more with this development. He said that the applicant has agreed to construct a transit shelter and bench at this location, which meets the Goals and Objectives of the Comprehensive Plan and the Placebuilder criteria.

Mr. Clendenen said that this development is proposing 36 one-bedroom units, but since a recent neighborhood meeting, the development plan has been revised to reduce the footprint of the building, by changing some of the units to studio apartments. This reduces the length of the structure by 12 feet. He displayed the development plan and said that they are proposing to construct their structure closer to the 345 Blackburn Avenue building and further away from the property located at 321 Blackburn Avenue, which is the reason for the side yard setback. He then displayed the tree inventory map and said they will remove some of the existing trees, but they will be replaced with trees along the perimeter. He displayed a massing study, which depicts that the proposed structure is smaller in height than the adjoining property. He added that this proposed zone is in agreement with the Fourth Street Zoning Study. He then displayed a list of the changes they have made since their initial application and said that they appreciate the staff working with them. He also displayed some letters of support from the neighbors and the Powerhouse Church of God. He added that there will be bike racks and maps to get to nearby attractions.

Citizens in Favor – Blake Hall, 36 Richmond Avenue, said that he believes this project is textbook infill and redevelopment, especially when there is a housing shortage. He said that this is near great City attractions and is the exact place for increased density. He said that it is converting one dwelling unit to 36 dwelling units and asked for the Planning Commission's support the change.

Citizens in Opposition – Mark Klar, 321 Blackburn Avenue, said that he received the supplemental staff report late and presented that the mass and scale of this development is too large for this site, which provides housing and parking challenges for the neighborhood. He said that this proposed development is ten times the size of the adjacent house. He said this development will be 2/3 of the side of the street and removes the existing historic fabric of the neighborhood. He doesn't believe that the R-5 zone meets the Fourth Street Zoning Study, since the meaning of "Medium Density" has changed. He said that the Fourth Street development was not approved by the Urban County Council. He said that density of the proposed development (55 units/acre) is higher than the structure located 345 Blackburn Avenue (42 units/acre). He believes that these will be used as dormitories for the nearby university. He would prefer to see a mixed housing development, which is incremental at this site. He also voiced an objection for the amount of time given to the applicant and the amount of time given to the citizens. Chairman Forester confirmed that it is on the record.

Amy Clark, 628 Kastle Road, said that she would like for the applicant to meet with the tenants of the adjoining apartment regarding the parking. She said in regards to Mr. Klar's comment about the parking, she said that in a transcript of the discussion about parking for the 2016 Planning Commission hearing for 345 Blackburn Avenue, the applicant stated they would need every parking space available. She said that they are currently at capacity. She doesn't believe that this proposed development should qualify for the transit reduction because of its distance from the transit stop. She said that the bike reduction requires 50 furnished spaces and they are proposing only 25 furnished spaces.

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Faith Harders, 539 W. Third Street, displayed photos depicting the closeness of the existing houses. She said that Blackburn Avenue is a narrow street and with on-street parking it becomes a one-way street. She doesn't believe that a solid brick wall fits the category of transitioning.

Brooks Scudder, 445 W. Second Street, President of Northside Neighborhood Association, is concerned about the demolition of the existing house located at 325 Blackburn Avenue.

Marlee Bauman, 550 W. Third Street, expressed concern about parking and believes there should be separate residential street parking for those residents that don't have parking on their property. She believes that this development will be targeting students. She also said that the 345 Blackburn apartment building is at their parking capacity.

Evelyn Knight, 516 W. Third Street, believes that this is a special neighborhood and prefers housing that will appeal to people of the creative class. She believes that the applicant is removing more than 8% of the existing trees, which should be maintained. She also doesn't believe that a brick wall building can be integrated with the existing neighborhood and will not enhance their neighborhood.

Mr. Klar asked that the transcripts of the Planning Commission hearing from December 15, 2016, be entered into the record.

Applicant Rebuttal – Mr. Clendenen thanked the neighbors for contributing in today's hearing and voicing their concerns. He said that they are proposing 2nd Tier Urban / Medium Residential under the Placebuilder criteria, and the R-5 zone is a recommended zone. He believes that they are adhering to the parameters provided in the Comprehensive Plan. He said in regards to the bicycle racks not being utilized, it is the summer and some students may not be there at this time. He said that this is an infill and redevelopment development project and it doesn't matter if the house is gutted or not, it is vacant. He said they are proposing a mixture of housing types in a denser manner, and transitioning from an industrial area and a four-story building to a three-story building. He said they are also maintaining the buffer, as the staff has requested, by using the setbacks to locate the building as far away from Mr. Klar as possible.

In regards to the parking concern, Mr. Baughman said that parking stickers were issued to all of the residents of 345 Blackburn Avenue, which they have discontinued because of the excess of empty parking spaces. He added that there are 13 spaces along the street that are not calculated into their required parking spaces. He said that they have never had any parking concerns and actually allow church members to park in the lot on weekends.

Mr. Clendenen said that he objects to Mr. Klar's introduction of evidence into the record, because the Planning Commission hasn't received it (transcript records of the 2016 meeting). He said that it was only speculation that this area would remain a buffer.

Citizen Rebuttal – Mr. Klar said that there were four comments that the former attorney in the 2016 Planning Commission hearing that reiterated that this space would remain a buffer. He said that he submitted it earlier in the day. He said that if this development is built, he questioned if there would be enough parking. He added that the tree boundary that the applicant is mentioning is on his property.

Mr. Scudder said that the vacant property doesn't have any bearing on this case, since the developer owns it. He would like more consideration of the old house since it was built over 100 years ago.

Ms. Knight said in regards to the community meetings, she was not informed of any of them and would like to obtain the transcripts from the meetings.

Ms. Clark mentioned a policy of the Comprehensive Plan to not heed unjustified claims for historic significance. She said that this is a National Register District and has the criteria stated in the Comprehensive Plan and there shouldn't be any incentive offered for the destruction of historic property, even when it isn't under an Historic Overlay (H-1) zone. She believes that the side yard setback should be 20 feet, not 18 feet.

Ms. Harders said she was on the Fourth Street Zoning Study committee and said that the overall goal was to preserve the neighborhood.

Staff Rebuttal – Mr. Baillie clarified the calculation of the parking for the proposed development and stated for the record that the proposed calculations associated with both the variance and the development plan are correct. He said that the applicant is taking advantage of the Zoning Ordinance that don't need review and asking for only the reduction of those five parking spaces.

Commission Comments – Mr. Pohl said that applicant is trying to match the context of the neighborhood, but he believes this development is more designed to match the building located at 345 Blackburn Avenue and not the existing residential neighborhood and said that it is not following the Fourth Street Zoning Study or the Comprehensive Plan.

Ms. Plumlee said that one of the Comprehensive Plan Goals and Objectives is to keep neighborhoods livable and she believes that is not being met.

Mr. Bell asked Mr. Pohl to clarify if one apartment has already been approved and constructed, how would another not comply adjacent to it. Mr. Pohl said that the first apartment building complex had two vacant lots between it and the residential neighborhood. This proposed development is directly next to it. He believes that the applicant could mediate the difference to form more of blend with the existing historic neighborhood.

Zoning Action – A motion was made by Mr. Nicol, seconded by Mr. de Movellan, and carried 7-3 (Plumlee, Pohl, and Meyer opposed) to approve PLN-MAR-20-00009: BLACKBURN DEVELOPMENT LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Nicol, seconded by Mr. de Movellan, and carried 6-4 (Penn, Plumlee, Pohl, and Meyer opposed) to approve PLN-MJDP-20-00019: YELLMAN'S SUBDIVISION (POWERHOUSE CHURCH OF GOD)(BLACKBURN DEVELOPMENT), with the conditions presented by the staff.

Variance Request Action – A motion was made by Mr. Nicol, seconded by Mr. de Movellan, and carried 6-4 (Penn, Plumlee, Pohl, and Meyer opposed) to approve associated variance requests, for the reasons provided by the staff, with a note that the recommendation on the supplemental staff report should state "High Rise Apartment (R-5)" zone and not "R-4" zone.

