

## SUPPLEMENTAL VARIANCE STAFF REPORT

### PLN-MAR-22-00003: BREAD AND ROSES, LLC



Since the March Subdivision and Zoning Committee meetings, the applicant provided a supplemental letter of justification for their requested landscape variances. Within the letter, the applicant provides further information relating to the operation of the site, and more specifically details the impact that providing the required landscaping would have on the parking lot configuration and the right-of-way. The applicant indicates that reconfiguring the drive aisle would result in a reduction from 69 parking spaces to 51 parking spaces, and opines that such a reduction would negatively impact the seven businesses that would utilize the parking area. Finally, the supplemental justification indicates that the owner of the R-3 zoned property to the north is in support of the requested variances, and the owner of the R-3 zoned property to the west has no objection to the request.

The applicant's requested landscaping variances were presented to the Landscape Review Committee at their March 21, 2023 meeting. At that meeting, the Landscape Review Committee did not have a quorum, and was unable to make a formal recommendation. The two voting members present at the meeting voiced their support for the request, citing the desire to retain the site's existing landscaping elements, and the inappropriateness of removing the existing mature trees and vegetation in order to construct a solid six-foot fence to meet the screening requirement.

The members present, as well as the representative for the Division of Environmental Services, noted that the applicant's current plan lacks interior landscaping. Under the current regulations, interior landscaping is required for vehicular use areas that exceed 5,000 square-feet or 15 parking spaces; however, as the applicant is not proposing to modify the existing parking area, the nonconforming parking lot is not required by Ordinance to be improved during the zone change process. However, the Planning Commission is able to implement any conditions of approval that would help mitigate the impact of the requested variances. Staff recommends that an interior landscape area consisting on one large tree or two small trees be installed. Such an area would result in a minimal reduction in parking capacity, would address the concerns of the Landscape Review Committee, and would help mitigate the extra paving being retained with the requested variances, thus reducing the overall heat island effect for the property. It is important to note the perimeter screening is required not only to buffer between zones, but also to mitigate the impact of more intense development.

With the inclusion of the interior landscaping condition, staff is in favor of the requested variances. The subject property's location along a two-lane arterial roadway restrict the ability to provide on-street parking, as such, removing substantial amounts of parking to install the required landscape buffers would significantly impact the applicant's utilization of the site. The subject property is located within the Infill and Redevelopment Area, where extra consideration should be given to the functionality of the property and access to services. The requested variances will not negatively impact the health, safety, or welfare of the area, as this development has operated for over 65 years without the full screening, and the proposed single row of hedges and required trees will provide a sufficient buffer to screen view of the site's vehicular use area from adjoining residentially zoned properties.

**STAFF RECOMMENDS: APPROVAL FOR THE FOLLOWING REASONS:**



1. Approval of the landscape variances should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. The subject property has operated over 65 years without the required landscaping buffers adjacent to the adjoining residential zoning. Furthermore, the proposed 6-foot tall hedges and trees proposed in these areas will be sufficient to screen views of the use.
2. The inclusion of an interior landscape area will help mitigate the heat island effect created by retaining the existing pavement along the property perimeter screening areas.
3. With the lack of on-street parking available on E. High Street, the reduction in parking that would result from incorporating a 15-foot wide landscape buffer area would unreasonably restrict the applicant's use of the property.
4. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

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

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the B-1 zone, otherwise the requested variances shall be null and void.
- b. An interior landscape area a minimum of 144 square-feet in size consisting of one large tree or two small trees shall be provided, consistent with the requirements of Article 18, Section 18-3(b)(6).
- c. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
- d. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- e. Action of the Planning Commission shall be noted on the Development Plan for the subject property.