

SUPPLEMENTAL STAFF REPORT FOR VARIANCE REQUESTS

MARV 2011-12: THE LEXINGTON HEARING AND SPEECH CENTER, INC.

Note: The original staff report recommends postponement of the parking (#1) and landscaping (#'s 4 & 5) variances pending further review. Since that time, the staff has performed a week-long parking analysis of the on-street parking availability, and the Landscape Review Committee has met concerning the requested landscape variances. The parking and landscape variances have been further reviewed and new recommendations for these variances are provided in this supplemental staff report.

REQUESTED VARIANCES

- 1. Reduce the minimum off-street parking requirements by 50%, from 49 spaces to 25 spaces.**
2. Increase the maximum building height from 8 feet to 20 feet for 154 N. Ashland Ave. and from 0 feet to 24 feet for 158-162 N. Ashland Ave.
3. Reduce the minimum side yard for 158-162 N. Ashland Ave. from 12 feet to 9 feet and the side yard for 154 N. Ashland Ave from 12 feet to 2 feet.
- 4. Reduce zone-to-zone perimeter screening requirements from 15 feet to 0 feet and to eliminate the requirement for trees and shrubs.**
- 5. Reduce the minimum required interior landscaping for the vehicular use area from 5% to 3% for 158-162 N. Ashland Ave.**

Parking:

The applicant has requested a parking variance to reduce the required minimum off-street parking by 50% from 49 required spaces to 25 spaces. The ability to request a parking reduction is a relatively recent addition to the Zoning Ordinance. The staff generally evaluates the walkability of the area, the availability of on-street parking, and the potential parking generator of the requested use when considering parking reductions. There is no doubt that North Ashland Ave. is a walkable neighborhood, with a mix of schools, churches, residential, and commercial uses in the area.

The applicant is proposing a limited number of uses that would be allowed on this property via conditional zoning, and has submitted a variance request that would cover the largest parking generator of general office use. Other semi-public uses that would be allowed such as a private school, daycare, or church would generally have less required parking. The proposed uses at this time will require the parking for general office use, which is 1 space for every 200 square feet of parking floor area.

The staff performed an on-street parking analysis of the two block area of North Ashland Avenue from Bullock Avenue to Hambrick Avenue. The results and observations of that analysis are available in a staff exhibit; but on average, of approximately 30 spaces, there are 20+ available on-street parking spaces available in the observation area at all times.

If the parking variance is not granted, the applicant would have to find other available off-site parking spaces to lease/share, or replace the open space areas that were used as playgrounds with additional asphalt to create a more efficient parking area.

Landscaping:

The applicant has requested that the existing landscaping and screening be considered adequate for this adaptive reuse. There is currently a 6-foot wooden privacy fence that runs along the southern and western boundaries, separating the existing parking lot from the adjoining residential neighbors. Although the

fence does exist, the required shrubbery and trees do not. There is very little room to install a viable vegetative buffer between the fence and the existing edge of pavement.

The Landscape Review Committee (LRC) met on August 16, 2011 to discuss the two requested landscape variances. They agreed with the applicant that the existing landscaping is sufficient to address screening of this proposed reuse, and recommended approval of these variances. However, should the open space areas (playgrounds) be paved to create a larger parking lot, then the standard landscape screening for a parking lot should apply. Additionally, the LRC expressed a strong desire to retain the existing mature trees along North Ashland Avenue in front of the houses.

The Staff Recommended: **Approval** of the requested parking variance for 154, and 158-162 N. Ashland Ave., for the following reasons:

- a. Granting the requested variances should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity. The site currently has 25 on-site parking spaces that were developed in conjunction with the school as a conditional use. There are generally 20-27 on-street parking spaces available within a two-block area of N. Ashland Avenue, which can easily accommodate any overflow parking the proposed reuse of this site may generate.
- b. If the rezoning to P-1 is approved, approval of the variances will not result in an unreasonable circumvention of the Zoning Ordinance. The proposed reuse of these buildings and existing parking lot can easily utilize available on-street parking should additional parking be necessary above and beyond that available on-site.
- c. The special circumstances that apply to the subject properties that serve to justify the variances are the proposed reuse of the existing development, and the reuse proposed for the existing parking lot.
- d. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship to the applicant to provide the minimum required off-street parking on site. Large areas of open space would need to be replaced with additional asphalt in order to create a larger parking lot, which would diminish greenspace, impact stormwater retention, and would be costly.
- e. The circumstances surrounding this request are not the result of actions taken by the applicant since the original adoption of the Zoning Ordinance, as the use of the property has remained consistent since the 1950s.

The Staff Recommended: **Approval** of the requested landscape variances for 154, and 158-162 N. Ashland Ave., for the following reasons:

- a. Granting the requested variances should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity. The site has existed "as is" for decades, with an existing screen from many surrounding residential neighbors. The proposed reuse of this site, in its current configuration, will not create a necessity for additional screening and landscaping.
- b. Approval of the landscape variances will not result in an unreasonable circumvention of the Zoning Ordinance.
- c. The special circumstance that applies to the subject properties that serves to justify the variances is the proposed reuse of the existing development. In order to provide the required landscaping, existing pavement will need to be removed, thus reconfiguring the parking lot to accommodate both the parking and the landscape buffers.
- d. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship to the applicant, and would likely lead to an inferior buffer since new vegetation would supplant mature screening material.
- e. The circumstances surrounding this request are not the result of actions taken by the applicant since the adoption of the Zoning Ordinance.

These recommendations of approval (parking and landscaping) are made subject to the following conditions:

1. Provided the Urban County Council rezones the property P-1; 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, unless 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. Prior to any construction or erection of signs, the applicant shall obtain the necessary permits.
5. The landscape variances are subject to the adaptive reuse of the existing parking lot. If the open space areas (playgrounds) are to be paved for parking, then the standard landscaping and screening required by the Zoning Ordinance shall apply.

JE/BJR/TLW/WLS

10/26/11

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