

**Notes from a March 7, 2016 meeting** (from 6 p.m. until approx. 7:20 p.m.) **on a proposal for apartments located at 124, 126, & 128 Vernon Ave.** This meeting was held at the Northeast Christian Church – Clifton campus **as the required public meeting prior to filing an application for a zoning change.**

**General comments on these notes:**

I was asked by David Coyte, chair of the Land Use and Preservation Committee of the Clifton Community Council, to take notes because he would have to leave the meeting early. I have attempted to put in writing all of the comments by both the applicant and the public without editorial comment. But, I do wish to note that this meeting was not intended to, nor did it, result in agreements on the future of this proposal. **Gaps in my notes are indicated in red.**

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**The presentation** for the applicant was made by Cliff Ashburner (attorney), assisted by Tami Conti (part of applicant Brown Conti Company) and Mark Madison (civil engineer). During and following the presentation there were a number of questions and comments from the public. There were approximately 25 members of the public attending.

Mr. Ashburner started by giving an overview of the legal process, and of the original and current proposals.

- There are currently two building on the two adjacent sites. Proposal is to renovate one building (126/128 Vernon Ave.), keeping the current three units. The other current building (124 Vernon Ave.) is proposed to be demolished and a new building containing 7 units would be constructed. (Thus, expansion from 7 to 10 units on the two sites).
- The zoning change to be requested is from R-5B to become R-6.
- The applicant will officially file for this zoning change after this meeting.
- Once the application is in good technical shape, the zoning application will be reviewed at a public meeting by the Land Development & Transportation (LDT) committee of the Planning Commission. This committee is made up of 5 of the 10 members of the Planning Commission. **(My notes are incomplete at this point, with a mention of “then proceed to public hearing (if approved)”.** **Does this mean the LDT meeting will not take public comments?)**
- The Planning Commission makes a recommendation to the Metro Council.
- Questions about the process and the status of this application may be directed to Julia Williams (574-6942) of the Planning commission staff.

**Summary of Questions and Comments:**

Because of an overlap of some questions and comments it is difficult to summarize the concerns. Also, some questions/concerns were expressed at an earlier meeting (and not repeated at this meeting) and some may not be relevant to a meeting about zoning. Overall, the public input touched on a wider variety of concerns – beyond just zoning - that may or may not have been addressed by the applicant and representatives. But, here is an attempt to total questions/comments by concern/subject:

Demolition: 2

Parking: 3

Trees/landscape: 1

Overall/Process: 7

Zoning: 2

Drainage: 3

Appearance: 4

### Detailed Questions and Comments:

**Q.** Demolition was not mentioned in the presentation. (As this answer proceeded, there were other questions that elicited more information not directly related to the initial question)

**A.** The demolition (of 124) is not part of the zoning change proposal. There will be concurrent processes moving forward: one for zoning and another for approval by Landmarks (including the Clifton ARC for the Clifton Preservation District). At this point Mr Ashburner presented more nitty-gritty details of this proposal and of some of the legal requirements:

- the owner purchased the property approx. one year ago.
- this newest plan has changed from prior plans based by feedback from (1) a prior meeting organized by the Clifton Community Council (LUPC committee) and (2) pre-review comments from the Planning Commission staff
- renovations for 126/128 have been made with approval (COA) by Landmarks staff (Bob Keesaer)
- Planning Commission staff gave negative comments because of the prior proposal to have parking in the center of the property (behind front buildings but in front of (the previously proposed; no longer proposed) rear building.
- Mr. Ashburner: density is how many units are allowed; form is the site design. Properties are 'divided' into four areas/realms: front (from front door to sidewalk), structure, private (back yard), and rear. (Is this correct?)
- Scott Kremer will be the architect for this project
- the new proposal (for 124) would have a single new structure (and not two new structures) with parking in the rear (behind the private realm). A retention basin (for rain water) would be underneath the parking lot.
- the new proposed structure would be two stories in the front, and because of the downslope of the land would be three stories in the back. The roofline would be a constant two story height.
- there would be 14 parking spaces in the rear, plus one on the street. The legal requirements are for a minimum of 1.5 parking spaces per unit. With 10 proposed units the 15 spaces are allowed. This does not include potential reductions in the required minimum because of renovation of a historic structure (20%) (for 126/128) and also for being on a bus line (10%) (Frankfort Ave.)
- it is unknown at this time how many bedrooms would be in each unit, or in total.

**Q.** How many trees would be removed?

**A.** Estimated 10 trees to be removed; but not 100% of the existing trees.

**Q.** Why build more apartments? AMP (nearby on Frankfort Ave.) has been available for several months and is only at 20% occupancy.

**A.** There is a potentially a difference in clientele (what attributes in an apartment a tenant might want).

**Q.** How are the units to be arranged? Will it look like a motel?

**A.** There would be one front-facing entrance for the first floor front unit; others would doors opening onto a hallway not viewed from the street. There would be three sections to the building (essentially

divided by the hallways), with two stories, two stories, and three stories (this last to be below street grade because of the downslope).

**Q.** What will be the distance in the public realm (sidewalk to door)? How much space behind the structure? What will be the prices?

**A.** I didn't note any answers. Possibly an error in my note of the questions.

**Q.** Followup question about no declaration of the number of bedrooms (and something I can't read).

**A.** The footprint of the structure is a civil engineer's view, not the architect's view. Details would come from the architect and have not been determined.

**Q.** Comment: this preliminary meeting with very little information; we need more meetings with better plans. Not sure of what meetings are required; or if developers planned to have more meetings than are required. Concern about this because applicant indicated the plan was definitely not finalized.

**A.** The process does work well, and usually points to a consensus.

**Q.** Comment: concern about the drainage at the rear of 131 N. Bellaire, and how MSD has been and will be involved.

**Q.** What are the demographics versus AMP? Same customers? Same as current/past tenants in 124/126/128 Vernon?

**A.** No. (in response to AMP?) There would be non Section 8 housing.

**Q.** Why/what do you need the change of zoning? How large would the retention basin be, how would it be maintained, and where does the water go?

**A.** The zoning change is needed for density. Water/retention basin: they referred to MSD requirements with no specifics.

**Q.** A hypothetical question: what if a change in zoning was denied but the demolition of 124 Vernon was approved. What could be constructed (in number of units)?

**A.** An additional one or two units (over the current 7 units).

**Q.** Comment: Noise echos from rear of property (because of the valley), especially from the current small basketball court in the rear. Concern about the noise from cars parking in the rear.

**Q.** The proposed new building: will it fit into the neighborhood/street or will it be like AMP?

**A.** It will fit. The new structure would be 20' from the sidewalk.

**Q.** Comments: Thank you for taking the comments from the prior (CCC) meeting to heart and thus modifying the plan. On zoning: in 1990, Clifton worked to right-size the zoning to have the zoning match the use (quite often down-zoning). This property was changed from R-6 to R-5B at that time.

**Q.** Comment: On the proposed demolition (of 124 Vernon): do not be too quick on demolition. There needs to be a qualified structural engineer and a qualified Metro official to write a report on the structural integrity of 124 Vernon (a contributing structure to the Clifton Preservation District). The Metro Historic Preservation Officer [Cynthia Johnson] is the official who will present her findings to the Clifton ARC (which will determine if 124 Vernon can be razed). Plan 'A' is not to have 124 Vernon razed; Plan 'B' is talking about the proposed plan with 124 Vernon razed and a new structure constructed, as well as the overall development of the properties.

**Q.** Comment: Concern about possible changes to the plans after approval. Reference was made to the Clifton Lofts parking that was modified (greatly?) after approval (no public input; no ability to challenge or appeal the changes).

**Q.** Comment: As a follow-up to the prior concern, a comment was made to refer to the Clifton Lofts retention basin.

**Q.** Comment: MSD requirements may not be enough to prevent flooding (a reference to anecdotal evidence of other developments and subsequent problems).

**Q.** Would there be two new apartment buildings? Would they look like a house or an apartment building?

**A.** there would be one new building. It would look more like a house.

**Q.** Comment: parking problems on street (Vernon) are bad and would get worse.

**A.** There is currently no off-street parking; parking in rear may help problem. Most of the problem may come from Frankfort Ave. businesses.

**Q.** Why not more parking spaces (more than 1.5 per unit)?

**A.** Balancing the need between residents, developers, and the Land Development Code. The Code allows a maximum of 2.5 parking spaces per unit.

**Q.** How are public comments heard?

**A.** Public comments are heard at meeting of the LD&T Committee of the Planning Commission (on the zoning and perhaps parking issues), and by the Clifton ARC (on the Demolition and New Construction issues). It is my understanding that everyone who signed in at this meeting, as well as neighbors, would be notified of any LD&T meeting on this application. Mr. Ashburner said the 47 notices of this meeting were mailed out.

**Q.** What are the price ranges for these new apartments?

**A.** Estimate is for \$1400 for 2 bedroom; \$1000 for one bedroom.

Other notes:

- There would be a 6' (minimum) privacy fence around the parking area. It is undetermined how far this fence would extend (along side of the property).
- April 9 there will an open house for the renovated apartments at 126/128 Vernon Ave.