

REVISED STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2013-5: ARNOLD PROPERTIES, INC.

DESCRIPTION

Zone Change: From a Two Family Residential (R-2) zone
To a Planned Neighborhood Residential (R-3) zone

Acreage: 0.253 net & gross acre

Location: 1165 Jones Trail

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-2	Vacant
To North	R-1T	Townhouse Residential
To East	R-1T & R-3	Residential
To South	R-2 & R-3	Residential
To West	R-2	Single Family Residential

URBAN SERVICES REPORT

Roads – Jones Trail is a small local street that stubs into the subject property and functions more like a driveway, as it currently provides access to only two residential properties. It is accessed from Appian Crossing Way, another local street that intersects with Appian Way, a residential collector that provides access to both Armstrong Mill and Tates Creek Roads. Roadway improvements to Jones Trail will be needed for properties that access it as those properties develop. Until then, it appears that access to the subject property will be provided via an existing easement along the rear of the adjoining townhomes, through the parking lot.

Curb/Gutter/Sidewalks – Jones Trail currently has no curbs, gutters or sidewalks. A 50-foot right-of-way is proposed for the portion of the road as it adjoins 1173 Jones Trail, which will include curbs, gutters and sidewalks on both sides of the street. Appian Crossing Way has full improvements on both sides of the street.

Storm Sewers – The subject property lies within the West Hickman watershed. Some localized storm water and drainage issues may be present in the area, as the FEMA flood hazard area that is associated with the West Hickman Creek is only about 270 feet to the west of the property. No storm water detention exists on the subject site. Because the properties are developing one at a time, and on a fairly small scale, it is uncertain how developments in this vicinity will comply with the Division of Engineering Storm Water Manual, as properties less than one acre in size are generally exempt from those requirements.

Sanitary Sewers – The subject property is served by the West Hickman Wastewater Treatment Facility, located in northern Jessamine County. The proposed development is relatively small (as only eight apartments are proposed); however, sanitary sewer improvements may still be necessary due to the increase in residential density. Even though this portion of the Urban Service Area generally has access to sanitary sewer facilities, any needed on-site improvements must be constructed by the developer at the time of development, should it be deemed necessary.

Refuse – The immediate area is served by the LFUCG with collection on Fridays.

Police – The nearest police station is the East Sector Roll Call Center, located on Centre Parkway, approximately ½ mile to the northeast of the subject property.

Fire/Ambulance – The subject property is almost equidistant between two fire stations. Fire Station #16 is located approximately a mile to the southeast of this site on Man o' War Boulevard, across from Bold Bidder Drive. Fire Station #7 is located on Tates Creek Road, to the northwest of the property.

Utilities – Natural gas, telephone service, electric, water, streetlights, and cable television are all available to the subdivisions surrounding the subject property and can be extended, as necessary, to serve the proposed development.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan recommends Medium Density Residential (MD) future land use for the subject property. The petitioner has requested a Planned Neighborhood Residential (R-3) zone in order to construct a multi-family residential structure and associated off-street parking.

CASE REVIEW

The petitioner has requested a zone change from a Two Family Residential (R-2) zone to a Planned Neighborhood Residential (R-3) zone in order to construct a four-unit apartment building, with an accessory parking lot.

This property is located at the end of Jones Trail, which functions more like a driveway than a public road. Technically, the subject property currently has access to Jones Trail, but no street frontage. This general area was once known as Jonestown, and it previously accessed Tates Creek Road via a one-lane bridge across West Hickman Creek. As the properties around the subject property developed, the road system changed, most notably changing the access to this area from Tates Creek Road to Appian Way (via Appian Crossing Way); consequently, the bridge was closed to vehicular traffic. There are a total of five remaining properties located on Jones Trail which have yet to develop or redevelop. Two of these properties are currently zoned R-3 and the remaining lots are zoned R-2. It is expected that all of these properties will likely develop at some point in the future.

The 2007 Comprehensive Plan recommends Medium Density Residential (0-10 dwelling units per acre) future land use for the subject property, as well as the other properties that can only be accessed via Jones Trail. At only about ¼ of an acre, the proposed development of 4 units would yield a density of 15.8 dwelling units per net acre, which is greater than the Plan's recommended density. However, the applicant now contends that the population density would be an appropriate means by which to review the zone change for the subject property. On March 26, 2013 the applicant submitted a revised justification and associated preliminary development plan, which prompted this revision to the staff recommendation.

Under the existing R-2 zoning, a new duplex on the subject property could have up to 4 unrelated individuals living in each half of the duplex. This alternative would result in a total population density of 8 people. The number of people could be more even if a particular family had more than 4 members. The applicant contends that the 4 one- bedroom apartments will likely only have 1 or 2 people living in each dwelling unit due to the small size of the units. The proposed 4-plex is only 3,300 square feet, which would only allocate about 825 square feet per apartment building. Assuming a maximum of 2 people per one-bedroom apartment, the population density would be equivalent to the maximum density allowed in a modern duplex. Considering that the lot is large for the R-2 zone, but not quite large enough to subdivide, it is a reasonable conclusion that even without a zone change, it is likely that as large of a duplex that could be legally built on this lot would be. If properly conditionally zoned to the number of units and/or bedrooms, it can be said that the proposed zone change would not increase the number of people that could potentially live on the property.

The 2012 Goals & Objectives are supportive of well-designed and context-sensitive infill opportunities, but only when adequate infrastructure and neighborhood characteristics exist to support it. Although there are many Goals & Objectives that work together to support this point (A.2.a & D.1.a), the most pertinent recommendation is distilled in the following:

- A. Growing Successful Neighborhoods
 - 3. Provide well-designed neighborhoods and communities.
 - b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.

The applicant contends that the R-3 zoning is more appropriate than the existing zoning for the subject property, as the proposed 4-unit apartment building would complement the surrounding multi-family developments, which include townhomes and duplexes. The applicant's revised development plan now demonstrates that the proposed development will allow the opportunity for continuity of traffic for pedestrians and automobiles through the yet to be developed properties. They have demonstrated that this property could reasonably function as a part of the whole should the property to the west and south also redevelop in the future. This is in contrast to the original submittal which isolated the subject property to the detriment of future development along Jones Trail.

The staff is supportive of a limit on the maximum number of dwelling units and the total number of bedrooms allowable at this location, given the Comprehensive Plan's land use recommendations. This restriction would still allow the applicant, or future property owners, the flexibility to propose a different housing type while not exceeding the population density now proposed. Because this property owner has made allowances for future vehicular and pedestrian accommodations on the neighboring property, should it ever redevelop, it can be said that this proposed zone change is appropriate and supported by the Comprehensive Plan.

The Staff Recommends: **Approval**, for the following reasons:

1. Based on the applicant's revised development pattern and the revised justification, the requested zone change can now be found to be in agreement with the Comprehensive Plan for the following reasons:
 - a. The requested zone change is in agreement with the Goals and Objectives of the 2012 Comprehensive Plan (specifically Goals A.2.a, A.3.b, & D.1.a). The revised development will allow the opportunity for continuity of traffic for pedestrians and automobiles through the yet to be developed properties. It demonstrates that the subject property could reasonably function as a part of the whole should the property to the west and south also redevelop in the future.
 - b. The proposed residential development supports the specific Goals by providing the opportunity for a well designed and connected neighborhood area, in contrast to the original submittal which isolated the subject property to the detriment of future development along Jones Trail.
 - c. The proposed population density for a maximum of 4 dwelling units with a total of 4 bedrooms on this 0.253 acre property would be equivalent to the maximum dwelling unit density allowed in a duplex, which is in agreement with 2007 land use recommendation of Medium Density Residential Land Use at this location.
2. This recommendation is subject to the approval and certification of ZDP 2013-20 Arnold Properties, LLC, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance via conditional zoning, the use of this 0.25-acre property shall be limited to a maximum of four (4) one-bedroom dwelling units.

This use restriction is necessary and appropriate for the subject property to ensure that the proposed zoning will remain in agreement with the population density recommended by the Comprehensive Plan.