

**SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**MAR 2012-9: ANDERSON CAMPUS RENTAL PROPERTIES, LLC;  
ROBERT C. HODGES; AND ANTHONY McINTIRE**

**CASE REVIEW**

The staff understands that the applicant does not desire any further postponement of this application. As such, the staff is forced to revise its recommendation of “postponement” which appears on the agenda and the original staff report, for the benefit of the Commission.

Previously, the staff had concluded that given the land use recommendation of the adjoining parcels, and those of the more detailed South Broadway Corridor Plan, it was appropriate and reasonable to maintain a Medium Density Residential land use for the entire subject property with significant buffering along the railroad. At that time, the staff expressed three major concerns: 1) the requested development exceeds the recommended density range of the 2007 Comprehensive Plan by almost four units per acre, even if the staff were to assume a medium density land use recommendation for the entire subject property; 2) the development plan depicts little open space and no buffering along the railroad as suggested by the South Broadway Corridor Plan and the Greenspace/Open Space land use recommendation of the Plan; and 3) how the remaining R-1D zoned property at the rear of 101 and 103 Burley Avenue will be used in the future.

The petitioners asserted that the proposed townhouse area (exclusive of the single family homes that are to remain) could meet the density recommendation of the Comprehensive Plan in their original zone change justification. The petitioners have submitted a revised justification contending that their proposal is “close, but slightly over, the densities” as set forth in the 2007 Comprehensive Plan, and that their proposed development is less dense than other multi-family developments in the immediate vicinity. The petitioner also contends that the existing R-1D zone is inappropriate and the proposed R-1T zone is appropriate for the subject property, because it will serve as a transition between single family residences to the south and west, and multi-family residential land use and railroad tracks to the north and east. They also state that the proposed high density land use is appropriate in close proximity to the University of Kentucky to allow pedestrian and bicycle access for students. The petitioners contend that their proposal meets a number of Goals and Objectives from the 2007 Comprehensive Plan, as well as the recently adopted 2012 Goals and Objectives. Generally, they cite goals and objectives that encourage infill and redevelopment, reduce pressure on the Urban Service Area boundary, efficient use of adequate essential facilities, and encourage a range of housing opportunities to meet the needs of all citizens.

In evaluating the proposed zone change and redevelopment, the staff found that while this project could be considered infill and redevelopment, the proposal had issues of concern. First, the petitioners have control of adjacent parcels, which would be a relatively easy way to increase their net land acreage (from 1.009 to 1.3858) in order to meet the density range (based on gross acreage) recommended for much of this neighborhood by the Comprehensive Plan – include the rear portions of 101 and 103 Burley Avenue – but they have not chosen to do so. If they would include the land, the density would be about 10.10 dwelling units per acre. Without the additional land acreage, the proposal is not in agreement with either the residential or the greenspace land use recommendations of the Comprehensive Plan.

Since the subject property would remain surrounded by R-1D zoning and single family residences, the staff can not conclude that the existing R-1D zoning is inappropriate. Also, there have been no unanticipated changes in the immediate area since the 2007 Plan was adopted. The staff respects the petitioners' attempt to maximize the density of the site, and replacement of the existing housing stock is likely warranted—as it was also a recommendation of the small area plan over 20 years ago. However, such redevelopment does not necessarily mean greater density is appropriate at any given location. For these reasons, the staff cannot support the proposed development as proposed by the petitioner today.

**The Staff Recommends: Disapproval for the following reasons:**

1. The requested Townhouse Residential (R-1T) zone is not in agreement with the recommendations of the 2007 Comprehensive Plan for Greenspace/Open Space (GS) (buffering of the railroad), or the Medium Density Residential (MD) land use recommendations. The petitioners' proposed mixture of nine townhouses and five

single family residences, representing a residential density of 13.88 dwelling units per acre, exceeds the density range of 0–10 dwelling units per net acre recommended by the Plan.

2. The existing Single Family Residential (R-1D) zone remains appropriate and the proposed R-1T zone is not appropriate for this location for the following reasons:
  - a. The subject property would remain surrounded by R-1D zoning and single family residences.
  - b. The established neighborhood is primarily comprised of small, detached single family residences, and the proposed townhouses would be inter-mixed with five single family residences which are to remain on site.
3. There has been no significant unanticipated change of a physical, social or economic nature since the Comprehensive Plan was adopted in 2007 which would warrant the increased density now requested.

TLW/BJR/WLS

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