

1. **HARRODS CLUB, LLC, ZONING MAP AMENDMENT & JONES SUBDIVISION ZONING DEVELOPMENT PLAN**

- a. **MAR 2013-14: HARRODS CLUB, LLC (11/3/13)*** – petition for a zone map amendment from a High Density Apartment (R-4) zone, with conditional zoning restrictions, to a High Density Apartment (R-4) zone with modified conditional zoning restrictions, for 0.978 net (1.108 gross) acres, for property located at 1167 Appian Crossing Way.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 9) recommends High Density Residential (HD) future land use for the subject property. The petitioner proposes to develop the property with 24 dwelling units in one multi-family residential building.

The Zoning Committee Recommended: Approval, for the reasons provided by staff.

The Staff Recommends: Approval, for the following reasons:

1. The subject property is now recommended for High Density Residential (HD) future land use by the 2007 Comprehensive Plan, which is a significant change since the property was granted a zone change to R-4 and the conditional zoning restriction was imposed. Previously, the 2001 Comprehensive Plan recommended Low Density Residential (LD) future land use at this location. The applicant proposes a 24-unit apartment building, with a rental office, for a residential density of 24.54 dwelling units per acre.
 2. Removal of the current conditional zoning restriction to the allowable number and type of residential units will allow a development more in character with the mixture of townhouses and apartments in this immediate area.
 3. This recommendation is made subject to the approval and certification of **ZDP 2013-57: Jones Subdivision** prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. **ZDP 2013-57: JONES SUBDIVISION (9/26/13)*** - located at 1167 Appian Crossing Way.
(Rob Sims)

The Subdivision Committee Recommended: Postponement. The current conditional zoning restricts the use of this property to a total of 17 units.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Dimension exterior dimensions of buildings.
10. Denote proposed building height in feet.
11. Remove group residential project references in site statistics.
12. Dimension access points proposed.
13. Dimension parking lot, aisles and spaces.
14. Denote Jones Trail as public right-of-way and revise cross-section (1/2 section).
15. Addition of north arrow.
16. Delete side and rear yard setback reference.
17. Add property owners and Planning Commission certifications per Article 21 requirements.
18. Revise note #5 to include required reference to Article 16.
19. Addition of required Engineering Manual note.
20. Clarify existing tree canopy to be preserved, including locations.
21. Denote construction entrance.
22. Reduce number of units to 17.

Zoning Presentation: Ms. Wade presented the staff report, explaining that the petitioner is proposing to modify the conditional zoning restrictions in the existing R-4 zone. She oriented the Commission to the location of the subject property on the northeast corner of Appian Crossing Way and Jones Trail, near Appian Way and Armstrong Mill Road, in the area that was formerly known as Jonestown. Ms. Wade said that the subject property is bounded on two sides by R-4 zoning, and R-2 and R-3 zoning on the other two sides. The property, which is vacant, is surrounded by residential uses, and the existing character has been townhouse development.

Ms. Wade stated that the subject property was rezoned in 2006 from an R-2 to an R-4 zone; a conditional zoning restriction was put in place at that time to limit the number of units on the property to 17, and the type of units to town-

houses only. That restriction was recommended in order to keep the development in character with the surrounding neighborhood.

Ms. Wade explained that, according to the Zoning Ordinance, when an applicant requests a modification to, or removal of a conditional zoning restriction, the Planning Commission must consider what has changed on the property or in the immediate vicinity since the restriction was put in place. She displayed an aerial photograph of the subject property, noting the location of apartment buildings and townhouses in the area. Ms. Wade said that the petitioner is requesting to remove the conditional zoning restriction in order to develop one apartment building with 24 units, essentially adding some density but changing the type of residential character. The petitioner is also proposing to construct a leasing office on the site. The petitioner contends that the proposed density is in substantial agreement with the 2007 Comprehensive Plan, which recommends High Density Residential land use for the subject property. Ms. Wade stated that the previous zone change on the property was evaluated using the 2001 Comprehensive Plan, which recommended Low Density Residential land use. The staff believes that that constitutes a significant change in the area since the conditional zoning restriction was put in place. The High Density Residential recommendation of the 2007 Comprehensive Plan would allow between 10 and 25 dwelling units per net acre, within which the petitioner's proposed density falls. In addition, the developer of a nearby property, which was recently rezoned, intends to construct two new apartment buildings; that development, plus the existing apartments on Appian Way, are a departure from the townhouse-style development that has historically occupied the area. Ms. Wade said that, for that reason, the petitioner contends that the character of the area is changing. The petitioner also believes that their development could lower the overall impact on the area in terms of infrastructure needs, since they are proposing fewer bedrooms on the property. The staff is in agreement with the petitioner's assessment, and they also believe that there has been a significant change in the area since the conditional zoning restriction was put in place. Ms. Wade stated that the staff also believes that the density restriction is no longer appropriate for this area. The staff and the Zoning Committee are recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

Commission Question: Mr. Penn asked if the development originally proposed on the property was for one- or two-bedroom units. Ms. Wade responded that the 17 units proposed at that time were three-bedroom units. The petitioner is currently proposing 24 units, with a combination of one- and two-bedroom units. Ms. Wade added that the petitioner is proposing a total of 30 bedrooms in those 24 units. Mr. Penn asked if the proposed development would result in an increase in density on the property. Ms. Wade responded that, because of the way density is calculated, it would result in an increase in density. However, the staff believes that there might be fewer residents, since the number of bedrooms would be reduced.

Mr. Drake asked where the subject property is located relative to Tates Creek High School. Using the Comprehensive Plan map, Ms. Wade noted that the property is located to the southwest of the school.

Development Plan Presentation: Mr. Martin presented the corollary final development plan, noting that the petitioner is proposing to construct one apartment building, 27,000+ square feet in size, three stories in height, with 30 bedrooms in 24 units. He added that the petitioner is also proposing to construct a leasing office on the property, as well as access to Appian Crossing Way.

Mr. Martin stated that, following the Subdivision Committee meeting, the staff had prepared the following revised recommendation on this request:

The Staff Recommends: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Dimension exterior dimensions of buildings.
10. Denote proposed leasing office building height in feet as attached to the multi-family building, and reduce its size to a maximum of 1,200 square feet.
11. ~~Remove group residential project references in site statistics.~~
12. ~~Dimension access points proposed.~~
13. ~~Dimension parking lot, aisles and spaces.~~
14. ~~Denote Jones Trail as public right of way and revise cross section (1/2 section).~~
15. ~~Addition of north arrow.~~
16. ~~Delete side and rear yard setback reference.~~

- ~~17. Add property owners and Planning Commission certifications per Article 21 requirements.~~
- 11.48. Revise note #5 to include required reference to Article 16 of the Code of Ordinances.
- ~~19. Addition of required Engineering Manual note.~~
- 12.20. Clarify existing tree canopy to be preserved, including locations and square footage (number of trees) needed to meet R-4 canopy requirements.
- ~~21. Denote construction entrance.~~
- ~~22. Reduce number of units to 17.~~
13. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification, or reduce number of units to 17.
14. Provided the Urban County Council rezones the property; otherwise, any Commission action of approval is null and void.
15. Denote: No Certificate of Occupancy shall be issued until the improvements to Jones Trail have been constructed and dedicated to the Lexington-Fayette Urban County Government by a Final Record Plat.

Mr. Martin stated that condition #10 is significant, in that it will require the relocation of the proposed leasing office and a reduction of its size to 1,200 square feet. The Zoning Ordinance does not permit detached leasing offices, so it will also need to be attached to the multi-family building. Mr. Martin explained that the staff is recommending that the petitioner denote the proposed leasing office to meet the Group Residential Project standard, which requires that leasing offices be limited to 1,200 square feet in size.

Mr. Martin said that condition #11 requires that the petitioner revise note #5 in order to refer to the Code of Ordinances, rather than the Zoning Ordinance. That requirement pertains to drainage and improvements as required by the accepted EPA Consent Decree.

Condition #12, Mr. Martin explained, was recommended by the staff in order to document the number of trees on the site, and count those that are proposed to be preserved. In some instances, existing tree canopy is counted toward the canopy requirement, so it is important that the number of trees be properly documented on the plan.

Mr. Martin stated that condition #13 requires the petitioner to provide documentation of the Division of Water Quality's approval of the Capacity Assurance Program (CAP) requirements, or reduce the number of units to 17. The 17 units originally approved on the property were "grandfathered in" under the CAP, but any newly-approved additional units on the site would not be grandfathered. The CAP requires that sufficient capacity be provided for the total number of units on the site.

With regard to condition #15, Mr. Martin stated that the petitioner is proposing to construct full, ½-section improvements to Jones Trail, with dedication of the right-of-way to LFUCG. The staff is recommending the addition of this condition in order to require that those improvements are constructed and dedicated prior to the issuance of a Certificate of Occupancy. With regard to Mr. Penn's earlier question, Mr. Martin explained that the previous zone change and zoning development plan in the vicinity of the subject property included a discussion about improvements to Jones Trail as well. He said that the staff anticipates that, when a development plan for that other site is approved, the improvements to that side of Jones Trail would be included.

Commission Questions: Mr. Penn asked what the width of Jones Trail would be. Mr. Martin answered that the petitioner is proposing to construct 50' of right-of-way, with a 7' utility strip and 4' sidewalk.

Mr. Owens asked, with regard to condition #13, what would happen if the petitioner was unable to demonstrate sufficient capacity under the CAP. Mr. Martin answered that the petitioner could reduce the number of units proposed to 17, which was previously approved and thus grandfathered under the CAP.

Petitioner Representation: Rob Sims, petitioner, was present. He stated that he was in agreement with the staff's recommendations, including the revised conditions for approval of the development plan.

Citizen Comments: There were no citizens present to comment on this item.

Zoning Action: A motion was made by Mr. Berkley, seconded by Mr. Brewer, and carried 10-0 (Beatty absent) to approve MAR 2013-14, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Berkley, seconded by Mr. Brewer, and carried 10-0 (Beatty absent) to approve ZDP 2013-57, subject to the 15 revised conditions as listed in the staff report.