

ORDINANCE NO. 56 -2013

AN ORDINANCE CHANGING THE ZONE FROM A TWO FAMILY RESIDENTIAL (R-2) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 0.253 NET AND GROSS ACRES, FOR PROPERTY LOCATED AT 1165 JONES TRAIL (ARNOLD PROPERTIES, LLC; COUNCIL DISTRICT 8).

WHEREAS, at a Public Hearing held on April 25, 2013, a petition for a zoning ordinance map amendment for property located at 1165 Jones Trail from a Two Family Residential (R-2) zone to a Planned Neighborhood Residential (R-3) zone, for 0.253 net and gross acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 9-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 1165 Jones Trail, from a Two Family Residential (R-2) zone to a Planned Neighborhood Residential (R-3) zone for 0.253 net and gross acres; being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are proposed for the subject property via conditional zoning:


The use of this 0.25 acre property shall be limited to a maximum of four (4) one-bedroom dwelling units.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - That this Ordinance shall become effective on the date of its

passage.

PASSED URBAN COUNTY COUNCIL: June 6, 2013


MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: June 13, 2013-1t

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LEGAL DESCRIPTION

BARBARA ANN ABLE PROPERTY
Zone Change from R-2 to R-3
1165 Jones Trail
Lexington, Fayette County, Kentucky

A TRACT OF LAND SITUATED TO THE EAST OF JONES TRAIL AND THE NORTH OF APPIAN CROSSING WAY IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING at an Iron Pin (found), said point being a corner of Arnold Properties, LLC, D.B. 2578, Page 26 and in the line of The Oldfield Family, LLC, D.B. 1956, Page 26; thence leaving the line of Arnold Properties, LLC and with the line of The Oldfield Family, LLC N 58° 47' 17" W for 23.10' to a Pipe (found) at a corner of TK Rentals, Inc., D.B. 2378, Page 410; thence with the line of TK Rentals, Inc. N 58° 47' 11" W for 81.90' to an Iron Pin (set) at a corner of Henry & Maude Shelby, D.B. 737, Page 21; thence with the line of Shelby for the following two (2) calls: S 34° 33' 07" W for 105.00' to an Iron Pin (set); thence S 58° 47' 13" E for 105.00' to an Iron Pin (set) in the line of Arnold Properties, LLC, D.B. 2578, Page 26; thence with the line of Arnold Properties, LLC N 34° 33' 07" E for 105.00' to the point of beginning, containing a gross area of 0.253 acres, and a net area of 0.253 acres.

Anthony W. Justice, PLS
Trinity Engineering & Surveying, LLC
113 Windsong Way
Georgetown, KY 40324
859-948-0198

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)

APPLICANT:	Arnold Properties LLC 2549 Richmond Road Ste. 101, Lexington, KY 40509; 859-266-3181
OWNER:	Barbara Ann Able PO Box 17, Lancaster KY 40444
ATTORNEY:	None

2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)

1165 Jones Trail, Lexington, KY 40517

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-2	Vacant	R-3	Apartment Building	0.253	0.253

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Townhouse Residential	R-1T
East	Planned Neighborhood Residential	R-3
South	Two-Family Residential	R-2
West	Two-Family Residential	R-2

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40 % of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO _____ Units

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided.)

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
Utilities	<input checked="" type="checkbox"/> Electric	<input checked="" type="checkbox"/> Gas	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable

7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)

This is in... <input type="checkbox"/> in agreement with the Comp. Plan <input checked="" type="checkbox"/> more appropriate than the existing zoning <input type="checkbox"/> due to unanticipated changes.
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8. APPLICANT/OWNER SIGNS THIS CERTIFICATION

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am <input type="checkbox"/> OWNER or <input checked="" type="checkbox"/> HOLDER of an agreement to purchase this property since January 16, 2013.	
APPLICANT <u>Latwood Arnold</u>	DATE <u>2-4-13</u>
OWNER _____	DATE _____
LFUCG EMPLOYEE/OFFICER, if applicable _____	DATE _____

February 4, 2013

Tracy Wade, Senior Planner
Lexington-Fayette Urban County Government
Division of Planning
101 East Vine Street
Lexington, KY 40507

RE: 1165 Jones Trail Zone Change
Justification Letter

Dear Tracy,

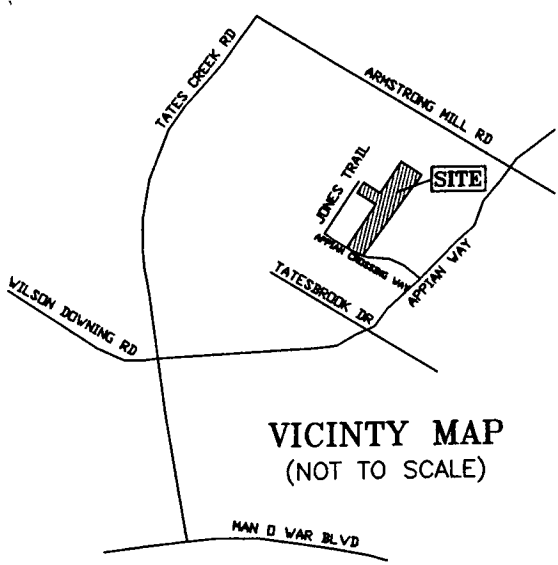
Arnold Properties, LLC is requesting a zone map amendment for the property located at 1165 Jones Trail. This amendment will change the property from the current zone of Two-Family Residential (R-2) to Planned Neighborhood Residential (R-3). It will allow for the development of a 4-unit apartment building in this neighborhood at the subject property. The justification for this request is that it conforms to the general character of the neighborhood. The subject property is surrounded by both medium-density and high-density residential zoning. The zoning of the property immediately adjacent to the east is currently zoned R-3. In addition, the zoning of the property located at 1173 Jones Trail, which is located just one lot south of the subject property, was recently changed from R-2 zone to R-3 zone in July 2005. The proposed zoning is appropriate because it would allow for the development of a 4-unit apartment building which is a perfect complement to the surrounding multi-family developments which include townhomes and duplexes. A large apartment complex is also located within 500 feet of the subject property. Therefore, the proposed zoning and development is appropriate and consistent with the existing character and use of the surrounding areas.

Your consideration of this request is appreciated and I look forward to meeting with the Planning Commission to further discuss the proposal.

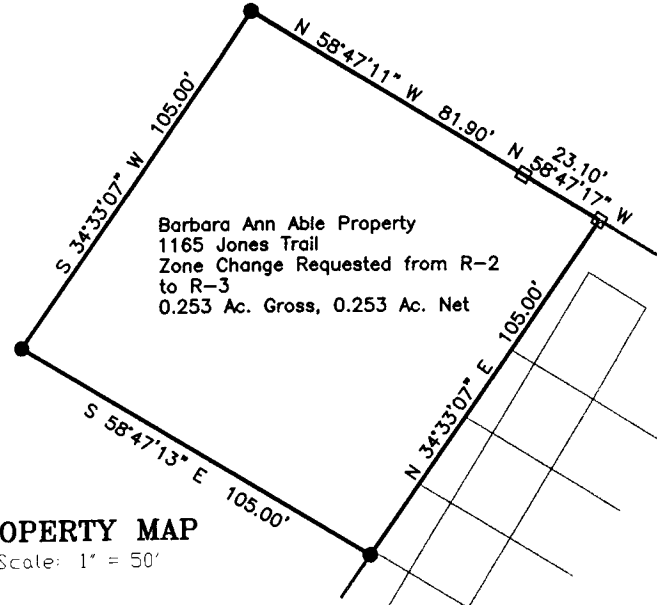
Sincerely,



Anthony W. Justice, EIT, PLS
Trinity Engineering & Surveying, LLC

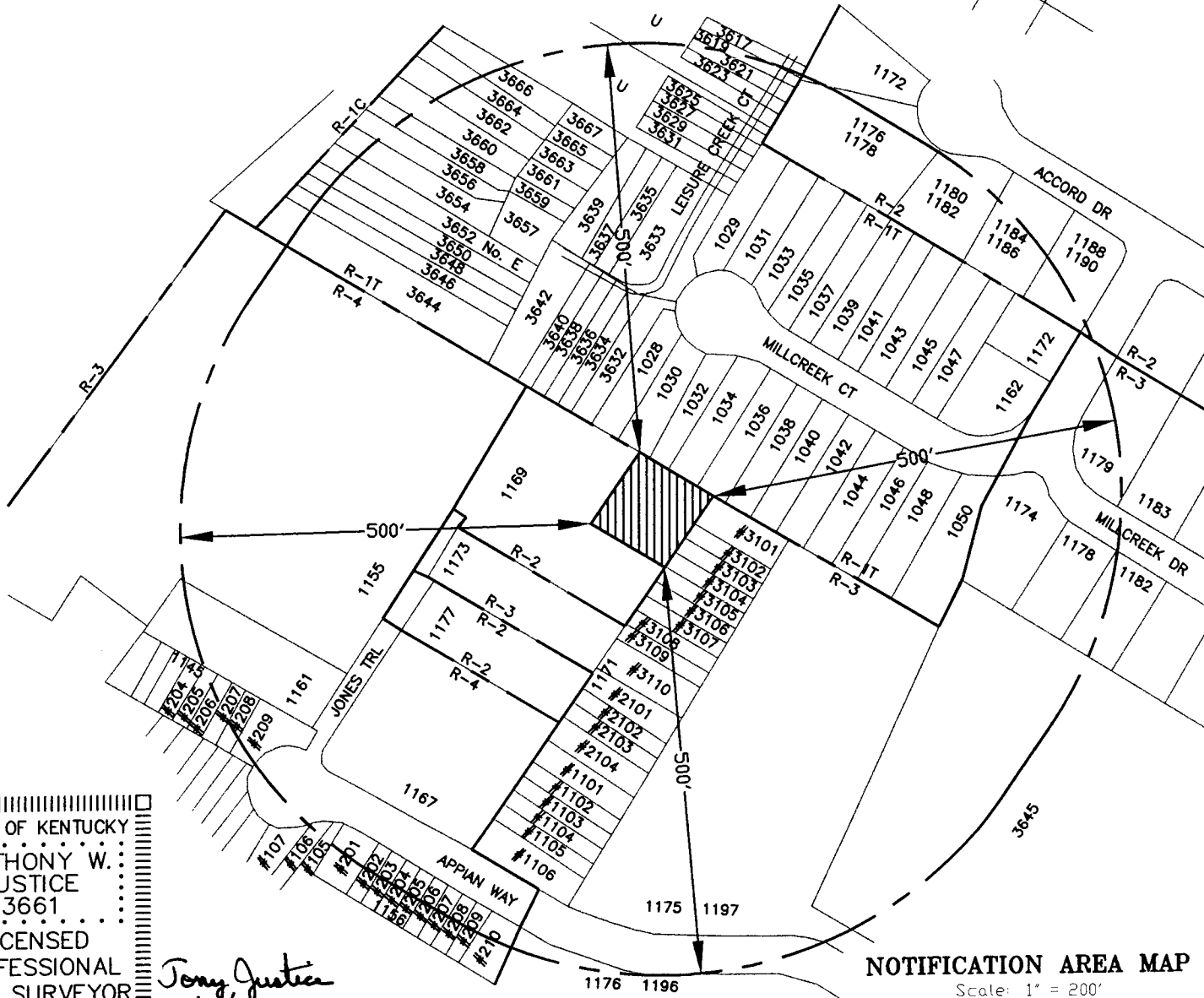


VICINITY MAP
(NOT TO SCALE)



PROPERTY MAP
Scale: 1" = 50'

Barbara Ann Able Property
1165 Jones Trail
Zone Change Requested from R-2
to R-3
0.253 Ac. Gross, 0.253 Ac. Net



NOTIFICATION AREA MAP
Scale: 1" = 200'

STATE OF KENTUCKY
ANTHONY W. JUSTICE
3661
LICENSED PROFESSIONAL LAND SURVEYOR

Tony Justice
2/4/13

TRINITY
ENGINEERING & SURVEYING, LLC
113 Windsong Way, Georgetown, Ky. 40324
Phone: (859) 948-0198

TITLE: ARNOLD PROPERTIES, LLC
Property Address: 1165 Jones Trail
Applicant: Arnold Properties, LLC
2549 Richmond Rd, Ste 101
Lexington, KY 40509
Owner: Barbara Ann Able

Prepared By: Trinity Engineering & Surveying, LLC
Date Filed: 2/4/13
Zone Change Requested from R-2 to R-3
0.253 Ac. Gross, 0.253 Ac. Net

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 $\frac{1}{4}$ 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.

JWE/BJR/WLS

4/3/13

I:/Planning Services/Staff Reports/MAR/2013/MAR 2013-5rev.doc

Rec'd by KT
Date: 5/10/13

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

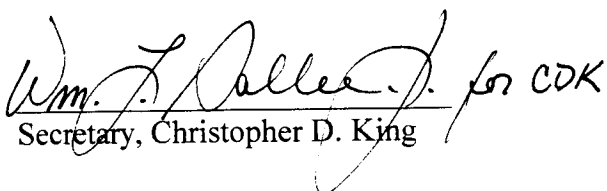
IN RE: **MAR 2013-5: ARNOLD PROPERTIES, LLC** - petition for a zone map amendment from a Two Family Residential (R-2) zone to a Planned Neighborhood Residential (R-3) zone, for 0.253 net and gross acre, for property located at 1165 Jones Trail. (Council District 8)

Having considered the above matter on **April 25, 2013**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reason:

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.

ATTEST: This 10th day of May, 2013.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2013-20 Arnold Properties, LLC, was approved by the Planning Commission on April 25, 2013, and certified on May 9, 2013.

K.R.S. 100.211(7) requires that the Council take action on this request by July 24, 2013.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Anthony Justice, Engineer**.

OBJECTORS

- Henry Shelby

OBJECTIONS

- He is concerned about the safety of his mother and another elderly resident of the area if additional residences and traffic are developed.

VOTES WERE AS FOLLOWS:

AYES: (9) Beatty, Brewer, Cravens, Mundy, Owens, Penn, Plumlee, Roche-Phillips, Wilson

NAYS: (0)

ABSENT: (2) Berkley, Blanton

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **MAR 2013-5** carried.

Enclosures: Application
Plat
Revised Staff Report
Applicable excerpts of minutes of above meeting

2. ARNOLD PROPERTIES, LLC, ZONING MAP AMENDMENT & ARNOLD PROPERTIES, LLC, ZONING DEVELOPMENT PLAN

- a. MAR 2013-5: ARNOLD PROPERTIES, LLC (5/5/13)* - petition for a zone map amendment from a Two Family Residential (R-2) zone to a Planned Neighborhood Residential (R-3) zone, for 0.253 net and gross acre, for property located at 1165 Jones Trail.

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.

The Zoning Committee made no recommendation on this request.

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.

- b. ZDP 2013-20: ARNOLD PROPERTIES, LLC (5/5/13)* - located at 1165 and 1173 Jones Trail.
(Trinity Engineering)

Note: The Planning Commission postponed this plan at their March 28, 2013, meeting. The purpose of this amendment is to add eight residential units and parking.

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Remove existing dumpster location.
9. Addition of owner/developer information.
10. Denote construction access location.
11. Clarify open space provided.
12. Denote building height (in feet) and building dimensions (not envelopes).
13. Denote stormwater detention location.
14. Document ability to comply with tree canopy requirements and denote tree preservation plan/tree inventory map, as necessary.
15. Revise note #7.
16. Discuss plan status.
17. Discuss landscaping and screening adjacent to R-2 zones.
18. Discuss proposed access and one-way circulation.

* - Denotes date by which Commission must either approve or disapprove request.

Zoning Presentation: Mr. Emmons began his presentation of the staff's zoning report by entering two items into the record: 1) a copy of the 2012 Comprehensive Plan Goals & Objectives, highlighting the three Goals & Objectives mentioned in the staff report; and 2) an email the staff received in objection to this request. He oriented the Commission to the location of the subject property, which is a quarter of an acre in size, off of Appian Crossing Way, near Appian Way and Armstrong Mill Road. Mr. Emmons noted that, although the subject property has a Jones Trail address, it does not have any frontage on that street. Jones Trail is a narrow rural road that essentially functions as a driveway through an undeveloped piece of property. The subject property is surrounded by R-2 zoning to the south and west; R-3 to the east; and R-1T to the north, for townhouses that are in two-unit groups, similar to duplexes.

Mr. Emmons stated that the 2007 Comprehensive Plan recommends Medium Density Residential use for the subject property and two adjacent undeveloped properties, with a High Density Residential recommendation for the adjoining townhouses. He explained that the petitioner submitted a revised development plan and additional justification for their rezoning request on March 26th. Although the changes to the development plan were relatively minor overall, they resulted in significant differences to the proposed development. When this request was first filed, the petitioner was proposing to create an isolated, four-unit apartment building with a residential density of 15.8 dwelling units per net acre. The staff had major concerns with that proposal, due to its lack of connectivity and "neighborhood" characteristics. Mr. Emmons stated that the revised plan, however, was much improved; and the staff now finds that the proposed zone change is in agreement with the recommendations of the Comprehensive Plan, particularly with the 2012 Goals and Objectives.

Mr. Emmons said that, along with their revised plan, the petitioner requested that the staff consider the population density, or number of residents, of the subject property, in addition to the residential density, or number of dwelling units. The subject property is currently zoned R-2, and it could be considered large in size for that zone. Therefore, a very large duplex could be constructed on the property. With a maximum of two dwelling units, with a likely occupancy of two to four residents in each unit, the population density of this ¼-acre property could be four to eight people. Mr. Emmons stated that the petitioner is now proposing four one-bedroom apartments, with a likely occupancy of four to eight residents. Therefore, the population density would likely be similar regardless of whether the property remains zoned R-2, or is rezoned to R-3, as proposed.

Mr. Emmons said that the staff is recommending approval of this request, for the reasons as listed in the revised staff recommendation and on the agenda, including a conditional zoning restriction to limit development on the property to four one-bedroom units.

Commission Question: Ms. Plumlee asked where the required parking spaces for the development are proposed to be located. Mr. Emmons answered that the parking spaces are proposed to be located directly in front of the apartment building.

Development Plan Presentation: Mr. Taylor presented the corollary final development plan, noting that the petitioner is proposing to construct two four-unit structures, with one bedroom per unit. He said that the Subdivision Committee recommended approval of this plan at their meeting three weeks ago. However, in order to satisfy some of the staff's concerns, the petitioner submitted a revised plan that provided an additional access off of the main access easement. That would allow for any future development on the adjoining property to connect to that easement, as well as provide improvements to Jones Trail.

Mr. Taylor stated that the staff had distributed the following revised recommendation, based on the new plan submission:

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
- ~~8. Remove existing dumpster location.~~
- ~~9. Addition of owner/developer information.~~
- ~~10. Denote construction access location.~~
- ~~11. Clarify open space provided.~~
- ~~12. Denote building height (in feet) and building dimensions (not envelopes).~~
- ~~13. Denote stormwater detention location.~~
- 8.14. Document ability to comply with tree canopy requirements and denote tree preservation plan/tree inventory map, as necessary.

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- ~~15. Revise note #7.~~
- ~~16. Discuss plan status.~~
- ~~9.17. Discuss Addition of a solid fence to the landscaping and screening adjacent to R-2 zones detail information.~~
- ~~18. Discuss proposed access and one-way circulation.~~
10. Addition of conditional zoning restrictions.

With regard to condition #8, Mr. Taylor said that the petitioner will need to demonstrate that they can meet the minimum tree canopy requirement for the property. Condition #10 refers to the additional landscaping requirement for the property, which is zone-to-zone screening with a minimum six-foot landscape buffer, as the plan currently depicts five feet of landscaping and a solid fence.

Petitioner Representation: Tony Justice, Trinity Engineering, stated that the petitioner is in agreement with the staff's recommendations, including the conditional zoning restriction. He said that the petitioner has worked with the staff to accommodate their concerns, and he requested approval.

Citizen Opposition: Henry Shelby stated that his mother owns the property at 1169 Jones Trail. He said that he believes that the proposed zone change will negatively impact his mother and another elderly lady, who have lived in the Jonestown community for 70 years. Those residents are in their 80s and 90s, and they are concerned about their security and additional traffic in the area. Mr. Shelby asked that the Planning Commission consider disapproving this request, so that his mother and her neighbor can continue to enjoy their properties as they have for decades.

Commission Questions: Ms. Roche-Phillips asked Mr. Shelby to identify the locations of the properties he referenced. Mr. Shelby indicated the location of his mother's home on the aerial photograph, which is adjacent to the subject property.

Mr. Brewer stated that he did not understand why the existing residents are concerned about security. He also asked the staff to address the objector email the staff distributed to the Commission members. Mr. Owens noted that the Jones Trail residents are concerned about the security of their homes, given the possibility of additional residents and traffic on the street.

With regard to Mr. Brewer's question about the objector email, Mr. Emmons answered that the citizen, Doug Woodson, supports the staff's original recommendation of disapproval. He explained that KRS.100 outlines three reasons by which the Planning Commission can grant a zone change request, the first of which is that the request is in agreement with the recommendations of the Comprehensive Plan. With the petitioner's submission of an additional justification and revised development plan, the staff now believes that the requested zone change to R-3 is in agreement with the Comprehensive Plan recommendations, particularly the 2012 Goals & Objectives. Mr. Emmons noted that the petitioner also provided some exhibits depicting a possible development pattern for the other undeveloped properties in the immediate vicinity, and how those developments could fit in with their proposed four-unit apartment building. In addition, the staff believed that the revised development plan provided a much improved access and connectivity situation for the subject property and the adjoining undeveloped parcels. He noted that the petitioner had submitted revised findings of approval for this request, and he read those, for the record:

"Although the proposed density of the site exceeds the density recommended in the 2007 Comprehensive Plan, the increased density is appropriate and is in agreement with the adopted 2012 Comprehensive Plan Goals and Objectives. The proposed 4-unit apartment building will contain only single bedroom units which minimizes the increased density. The specific goals which support the proposed development are Goals A.2.a, A.3.b, and D.1.a. The proposed development provides an opportunity for the Infill and Redevelopment of the community while respecting the overall neighborhood's context and design features. The revisions to the development plan for the site, as described above, promote a well-designed community with adequate transportation and pedestrian infrastructure and allows for the efficient extension of this infrastructure through the community. The proposed infrastructure and design features of the site are sufficient to accommodate the proposed increased density."

Ms. Beatty asked Mr. Emmons to compare the first development plan with the revised plan which was received following the Zoning Committee meeting. Mr. Emmons replied that the first plan did not indicate the number of bedrooms proposed for the development, which could have allowed for a doubling of the population density on the property. In addition, there were no possible connections provided between the subject property and adjoining undeveloped parcels. Ms. Beatty asked if the first plan would have required a rezoning to R-3. Mr. Emmons responded that it would have required that the property be rezoned, and he noted that this was not, in fact, an amended request. It was the petitioner's proposed findings and changes to the physical development that reassured the staff that the zone change could be in agreement with the recommendations of the Comprehensive Plan.

Ms. Beatty asked if the two residences to which Mr. Shelby referred were stand-alone, single-family residences, to which he responded affirmatively. Ms. Beatty then asked if Mr. Shelby would also be opposed to a less intense resi-

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dential development on the property. He responded that he was opposed to any development on the property, not just the proposed development.

Ms. Beatty asked Mr. Emmons specifically what changes were made to the revised development plan to cause the staff to switch their recommendation from disapproval to approval of this request. Mr. Emmons deferred the question to the petitioner. Mr. Justice responded that the first plan included an existing easement at the north end of the property that did not include a paved road or sidewalk connectivity. The plan was altered significantly to add sidewalk connectivity, a 12' paved road, and a relocated access easement in order to allow for ease of future connectivity to the undeveloped adjoining parcels, in case they should ever be developed. The petitioner contends that those changes created a better overall design for the future of the area by addressing neighborhood connectivity.

With regard to the opposition email received from Mr. Woodson, Mr. Justice stated some of his concerns had been addressed via the technical review process for the plan. He added that Mr. Woodson is a lessee of one of the townhouse units near the subject property, which is also owned by the applicant, and he has had prior concerns about overflow parking in the area. The petitioner is addressing that concern on this plan; and, in addition, there are approximately 34 overflow spaces in the existing townhouse development that could also be used by residents of the subject property.

Mr. Wilson stated that, while he understood Mr. Shelby's concerns for the security of his mother and the other elderly resident of Jones Trail, he had personally moved elderly relatives in order for them to be closer to family members. He noted that it might be preferable for those ladies to have more neighbors, and be located closer to a developed area. Mr. Shelby replied that his mother has lived in the area for more than 70 years, and that she prefers to keep it the way it is today.

Petitioner Rebuttal: Mr. Justice stated, with regard to Mr. Shelby's safety concerns, that the petitioner had taken into consideration the existing difficult turnaround on the subject property, and had modified the plan to provide better access for large emergency vehicles.

Ms. Beatty stated that, when the Commission considers rural settlement areas, they must take into account the historic connections of the residents to the area. She said that she understands the need for redevelopment and she believes that the revised development plan is appropriate for the area, but she wanted to go on the record with her concerns about ensuring that the existing rural settlement studies are implemented whenever possible during the redevelopment process.

Ms. Plumlee thanked Mr. Woodson, the email contributor, for his part in the process, since citizen involvement makes for better development.

Ms. Roche-Phillips asked if Jonestown was an identified rural settlement that was included in the Rural Settlements Study. Mr. Emmons answered that, although Jonestown is characteristic of a rural settlement, it was not identified as such in the Rural Settlements Study. Ms. Roche-Phillips asked if there is any national, state, or local recognition for the Jonestown area. Mr. Emmons answered that there are no historic designations for the area, noting that most of it has been redeveloped.

Zoning Action: A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Berkley and Blanton absent) to approve MAR 2013-5, for the reasons provided by staff, and including the conditional zoning restriction as recommended by staff.

Development Plan Action: A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Berkley and Blanton absent) to approve ZDP 2013-20, with the 10 conditions as listed in the revised staff recommendation.

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