

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2012-19: ANDERSON CAMPUS RENTAL PROPERTIES, LLC

DESCRIPTION

Zone Change: From a Single Family Residential (R-1D) zone
To a High Density Apartment (R-4) zone

Acreeage: 1.976 net (2.731 gross) acres

Location: 116 & 118 Simpson Avenue; 1100–1110 Prospect Avenue; and a portion of 101 & 103
Burley Avenue

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	R-1D	Single Family Residences and Vacant
To North	R-4	Multi-Family Residential
To East	R-2	Railroad and Residential
To South	R-1D & R-1T	Single Family Residences
To West	R-1D	Single Family Residences

URBAN SERVICES REPORT

Roads – Simpson, Prospect and Burley Avenues are all local streets in a neighborhood that is located behind the nearby arterial roadways of South Broadway (US 68) and Virginia Avenue. Simpson and Burley Avenues both intersect South Broadway to the northwest of the subject property, and each terminates at the Norfolk Southern railroad tracks. Prospect Avenue is a local street that connects Burley Avenue and Simpson Avenue, and that currently provides frontage for a majority of the parcels that comprise the subject property. The petitioner proposes the closure of Prospect Avenue and altering the termination of Simpson Avenue, as depicted on the corollary development plan. South Broadway is a major arterial roadway with more than 30,000 vehicles traveling daily along this portion of the corridor.

Curb/Gutter/Sidewalks – Along the subject property’s frontage, Simpson, Prospect and Burley Avenues have no urban improvements. Other local streets in the vicinity are also lacking improvement due to the age of the subdivision. The north side of Simpson Avenue does have urban improvements, which were constructed with the development of University Village apartments. Curbing, gutter and sidewalk improvements are typically required for existing public streets when redevelopment or new residential infill development occurs; however, since the petitioner is proposing closure of one public street and reconfiguring another street, most improvements will be internal to the redevelopment.

Storm Sewers – The subject property is located within the Wolf Run watershed. Currently, a regional detention basin exists on the University Village property, just to the north of the subject property, which drains significant areas on the east side of the railroad, including a portion of the University of Kentucky. This detention area is proposed for significant modification in order for the proposed development to occur as planned. The petitioner plans to utilize underground stormwater detention for the proposed redevelopment of the subject property, which may be very difficult to accommodate given the existing situation on the site. Any improvements will be required to adequately contain storm water impacts created by the proposed redevelopment, while not reducing the existing capacity and operation of the detention basin. The subject property has no known recent flooding problems.

Sanitary Sewers – The subject property is located in the Wolf Run sewershed. The property is served by the Town Branch Sewage Treatment Facility, located on Old Frankfort Pike, east of New Circle Road. The existing sanitary sewer lines in the area may need to be moved, replaced or repaired to ensure adequate sanitary sewer capacity for the proposed redevelopment project.

Refuse – The Urban County Government serves this residential area with refuse collection on Mondays.

Police – The subject property is located within the Division of Police’s West Sector; however, the closest police station is the main headquarters, located approximately 1½ miles to the northeast, on East Main Street downtown.

Fire/Ambulance – The closest fire station (#11) is located approximately one mile to the southwest on Harrodsburg Road, near its intersection with Clays Mill Road.

Utilities – All utilities, including gas, electric, water, phone, and cable TV currently serve the area and could be either reconfigured or improved to serve the additional residential units proposed on the subject property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 4) recommends a combination of future land uses for the subject property – Medium Density Residential (MD) future land use for the 10 parcels that have frontage along Simpson and Prospect Avenues and Greenspace/Open Space future land use for the rear portion of 101 and 103 Burley Avenue. The applicant proposes redeveloping the subject property with a mixture of townhouses and apartment buildings; a total of 78 dwelling units are proposed, with 108 bedrooms, and associated off-street parking, for a residential density of 39.47 dwelling units per net acre (28.56 units per gross acre). A dimensional variance is also being requested with this zone change.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone for slightly less than two acres of property along the south side of Simpson Avenue, both sides of Prospect Avenue and the rear portion of two parcels along Burley Avenue. The subject property is generally located adjacent to the Norfolk Southern Railroad line, and just to the north of University Village apartments. Simpson and Burley Avenues are local streets that run southeast from South Broadway, and terminate at the railroad. Prospect Avenue is one of many cross streets within the P.B. Devereux/Lynn Grove subdivisions that connect Simpson and Burley Avenues, and is located about an average of 350 feet from the railroad line. The subject property is bounded to the north by the University Village development (R-4 zoning), a proposed townhouse redevelopment along Burley Avenue (now with R-1T zoning) and by single-family residences to the west (R-1D zoning). Two Family Residential (R-2) zoning exists on the other side of the railroad tracks to the east.

The petitioner proposes R-4 zoning for the 12 parcels which comprise the subject property in order to incorporate a portion of the University Village apartment along Simpson Avenue, and to infill between that development and the recently approved townhouse development along Burley Avenue in this immediate vicinity. The corollary development plan depicts 108 new dwelling units configured within 4 multi-family residential buildings and 12 townhouses; in addition to the 15 dwelling units that are now proposed along Burley Avenue for a total of 123 dwelling units. The subject property now proposed for rezoning is depicted with 78 dwelling units – 72 apartments and 6 townhouses – for a total of 108 bedrooms.

The subject property was part of the South Broadway Corridor Plan that was adopted in 1990 as an amendment to the 1988 Comprehensive Plan. The Corridor Plan identified the subject property and its surrounding neighborhood as an isolated residential area, noting that the railroad was a barrier, there were no sidewalks, and the existing housing stock had structural problems ranging from minor to major. The Land Use Plan map for this Corridor Plan recommended Medium Density Residential land use, and the detailed recommendations of the Plan made reference to the immediate area several times. Recommendation #13 suggested establishing a buffer along the railroad tracks of dense landscaping, open space and/or berming to help mitigate the noise, vibration, dust, and odors associated with train travel. It also states that “the area along the railroad tracks is further impacted by storm water problems complicated by karst topography” (pg. 72). Recommendation #14 suggested that properties along Burley Avenue (and other streets) be redeveloped as Medium Density Residential land use due to the structural conditions of most buildings (pg. 72). Recommendation #35 suggests addressing a stormwater management issue along the railroad tracks that, after reviewing topography maps, appears to be associated with the low lying area within the rear portion of 101 and 103 Burley Avenue (pg. 75). The 1996 Comprehensive Plan mapped some of the otherwise difficult land use recommendations (specifically #13 above), which resulted in a land use recommendation of Greenspace/Open Space for two of the subject parcels in whole (101 and 103 Burley Avenue). This land use designation only partially reflects the detailed recommendation of the Corridor Plan.

The 2007 Comprehensive Plan (Sector 4) recommends Medium Density Residential (MD) future land use for the 10 parcels which have frontage along Simpson and Prospect Avenues, and Greenspace/Open Space future land use for the rear portions of 101 and 103 Burley Avenue. These recommendations have been carried forward since the 1996 Comprehensive Plan. The corollary development plan depicts 78 new dwelling units on the subject property for a residential density of 39.47 dwelling units per net acre (28.56 units per gross acre).

In 1995, the University Village property was rezoned to allow greater density in the immediate area, and Simpson Avenue has served as a logical boundary for the very higher density land use since that time. Earlier this year, properties along Burley Avenue were rezoned to permit higher density development of townhomes, which extended the high density residential land use into the existing single-family neighborhood. At that time, staff expressed concern about traffic for the proposed development utilizing a primarily single-family residential street and increasing density a greater distance from the South Broadway corridor. This recent zoning decision by the Planning

Commission and Urban County Council constitute a major change to this area of a physical and economic nature which was not anticipated by the 2007 Comprehensive Plan, thus justifying some zone change request of the subject property.

The petitioner is proposing residential redevelopment of the property in keeping with the residential recommendation of the land use plan. Additionally, a transition is proposed to the height and mass of the new buildings by utilizing 3-story apartment buildings to the south (transitioning to the R-1T zoning along Burley Avenue) and utilizing townhouse units to the east (transitioning to the existing R-1D zoning within the neighborhood). Thus resulting in the greatest density of the redevelopment being located near the railroad tracks and on the University Village property, which is a greater distance from the existing single family residences within the neighborhood. The petitioner's plan to incorporate the parking lot for the townhomes on Burley Avenue into the larger development and to close Prospect Avenue and a portion of Simpson Avenue will ultimately limit on-street parking in the neighborhood and reduce traffic along Burley Avenue, which was a concern with the earlier zone change. Lastly, the R-4 zone is compatible with the adjacent University Village apartments and allows the development to be integrated. For these reasons, the staff has concluded that the R-4 zone is appropriate at this location given the recent changes to the immediate area.

The Staff Recommends: Approval, for the following reason:

1. The requested High Density Apartment (R-4) zoning for the subject property is not in agreement with the 2007 Comprehensive Plan's recommendation for Medium Density Residential land use, defined as 5–10 dwelling units per net acre. However, a recent zone change request has been granted in the immediate area that has created a major change of a physical and economic nature and that has changed the basic character of the area that were not anticipated by the 2007 Comprehensive Plan. The rezoning of adjacent properties to the R-1T zone has increased the permitted density of land use in this area over that recommended by the Plan.
2. The proposed R-4 zone is appropriate for several reasons:
 - a. The proposed development, including the expansion of University Village apartment, will create a step-down in density from a very high density residential land use, to the planned redevelopment with frontage along Burley Avenue.
 - b. The highest density development in the neighborhood will be situated adjacent to the railroad, thus buffering the single-family residences from the noise and dust associated with the Norfolk-Southern rail corridor.
 - c. The University Village apartments, located to the north, are also zoned R-4 and the proposed zoning will allow for the two developments to be integrated.
3. This recommendation is made subject to approval and certification of ZDP 2012-110: South Broadway Place & Lynn Grove Addition prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.