

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 1/4-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-

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.