

1. **MULLIS FAMILY, LLC, ZONING MAP AMENDMENT & LEESTOWN OFFICE PARK, LOTS 4 & 5, ZONING DEVELOPMENT PLAN**

- a. **MAR 2012-15: MULLIS FAMILY, LLC (12/30/12)*** - petition for a zone map amendment from a Professional Office (P-1) zone to a High Density Apartment (R-4) zone, for 5.77 net (9.93 gross) acres, for property located at 161 and 181 Leestown Center Way.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 6) recommends Professional Services future land use for the subject property. The petitioner proposes an apartment complex with 84 dwelling units and associated off-street parking.

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

The Staff Recommended: Approval, for the following reasons:

1. The requested High Density Apartment (R-4) zoning is appropriate and the Professional Office (P-1) zone is now inappropriate, for the following reasons:
 - a. Dwelling units are a permitted use in the P-1 zone for the second floor and above, if professional office uses are proposed on the first floor; thus, some level of residential development would be allowed under the current zoning. However, such a mixed-use project would not be feasible at this location, given the property's limited access and the lack of success for existing office space in the immediate vicinity.
 - b. The existing P-1 zone is not appropriate because of the limited access to the property. While site access was significantly improved with the construction of Leestown Center Way and the ability to access the property from two directions was increased, the access changes do not appear to have been substantial enough to foster a successful Professional Office Park at this location. Acknowledging the previous Comprehensive Plan land use recommendations from 1980 until 1996 of High Density Residential land use, by rezoning the subject property to R-4, appears to be appropriate.
 - c. The proposed R-4 zone and multi-family residential development are very compatible with the surrounding area. The largest land uses in the immediate area are Leestown Middle School and Bluegrass Community and Technical College, both of which are highly compatible with the proposed residential development. Higher density residential uses are also compatible with a limited access expressway like New Circle Road.
 - d. The proposed R-4 zone for a high density residential land use would be an appropriate transition between, or neighbor to, professional office and educational facilities, as it can improve non-vehicular connections and reduce vehicle trips between complementary land uses.
2. The 2012 Comprehensive Plan's Goals and Objectives are supportive of the proposed zone change request. The Plan's mission statement seeks to "provide flexible planning guidance;" and the proposed change is supported by Theme A.1.b., which encourages housing near employment and commercial areas, as well as Theme A.2.a., which encourages identifying opportunities for appropriate infill that respects the area's context and design features.
3. This recommendation is made subject to approval and certification of **ZDP 2012-93: Leestown Office Park, Lots 4 & 5 (Amd.)**, 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 2012-93: LEESTOWN OFFICE PARK, LOTS 4 & 5 (AMD) (12/30/12)*** - located at 161 and 181 Leestown Road.
(Banks Engineering)

Note: The purpose of this amendment is to add 84 apartment units and revise off-street parking.

The Subdivision Committee Recommended: Postponement. There were questions regarding compliance with the parking and open space requirements of the Zoning Ordinance.

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

1. Provided the Urban County Council rezones the property **R-4**; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm, and sanitary sewer information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and arterial screening.
5. Urban Forester's approval of tree inventory map (Lots 4 & 5).
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Clarify office and apartment parking requirements in site statistics.
8. Denote location of parking in the R-4 to be used to satisfy the P-1 parking requirements.
9. **Denote:** Board of Adjustment approval of a conditional use for P-1 parking in the R-4 zone will be required prior to approval of a Final Development Plan.
10. Discuss protection of significant tree (60" Hackberry) and potential impact on the parking.

Zoning Presentation: Ms. Wade presented the staff report for this requested rezoning from a P-1 zone to an R-4 zone. She briefly oriented the Commission to the location of the subject property on the south side of Leestown

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

Road just outside New Circle Road. She said that the subject property is comprised of two parcels located on Leestown Center Way, which connects from Opportunity Way to Leestown Road. In the immediate vicinity of the property are: three parcels to the northeast, which are also zoned P-1; the Bluegrass Community and Technical College and Leestown Middle School campuses to the west, both of which are zoned A-U; the wastewater treatment plant across New Circle Road, which is zoned I-1; R-3 and B-3 zoning in the Townley Center area; and an industrial park across Leestown Road, which is mostly zoned I-1.

Ms. Wade stated that the two parcels proposed for rezoning were originally part of a rezoning to P-1 in the year 2000, which also included the three parcels immediately to the north. She displayed an aerial photograph of the subject property, noting that the subject parcels are currently vacant, and noting the multiple access points via Opportunity Way and Leestown Center Way. More than a decade after they were rezoned, only two parcels in the Professional Office Park have been developed; Ms. Wade noted, on the aerial photograph, the locations of the existing office building and branch bank. She said that the petitioner is proposing to rezone the subject parcels to R-4 in order to construct a multi-family residential development with 84 dwelling units.

Ms. Wade stated that the 2007 Comprehensive Plan recommends Professional Service land use at this location, which reflects the existing zoning of the property. The 2001 Comprehensive Plan also shared that land use recommendation; but, prior to the 2000 rezoning, the entire area was recommended for High Density Residential land use. The proposed R-4 zone cannot be found to be in agreement with the Comprehensive Plan recommendation today; it would be in agreement with the land use that was proposed in the past.

Ms. Wade said that there are several Themes, Goals, and Objectives of the 2012 Comprehensive Plan, which have been adopted by the Urban County Council, which are relevant to the proposed rezoning. The 2012 Comprehensive Plan's Mission Statement seeks to provide flexible planning guidance; in addition, Theme A.1.b. encourages housing near employment centers and commercial areas. The nearby Veterans Administration Hospital, industrial park, and schools all serve as employment centers in the vicinity of the subject property. Theme A.2.a. encourages identifying opportunities for appropriate infill that respects the area's context and design feature. Ms. Wade stated that the 84 dwelling units proposed would result in a residential density of 14.56 dwelling units per acre. She noted that dwelling units are permitted in the existing P-1 zone, if they are located on the second floor or above. However, the applicant does not believe that a mixed-use project would be feasible at this location, given the property's limit of access and the lack of success of the existing office space. The petitioner contends, therefore, that the Planning Commission should consider the appropriateness of the existing and proposed zones. Ms. Wade stated that the petitioner also contends that the proposed High Density residential use would be highly compatible with the nearby educational facilities.

Ms. Wade said that there were concerns about access to the subject property at the time of the 2000 rezoning. The construction of the existing Professional Office use improved the access situation, but it does not appear to have been improved enough to foster a truly successful Professional Office development. The petitioner believes that it would be appropriate, therefore, to return to the previous residential recommendation for the subject property, and the staff concurs. Ms. Wade said that the staff believes that the proposed land use would result in an appropriate transition between the professional offices to the north and the educational facilities to the west; in addition, it could result in improved pedestrian and bicycle connections, so that residents of the apartments could easily access those facilities.

Ms. Wade concluded by stating that 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.

Development Plan Presentation: Mr. Taylor presented the corollary zoning development plan, explaining that the petitioner is proposing to construct 84 dwelling units, with 104 bedrooms, located off of the existing access easement of Leestown Center Way. The plan depicts three apartment buildings, with an accessory recreation/pavilion area, and a reduction of an existing detention basin on the site.

Mr. Taylor stated that the Subdivision Committee recommended postponement of this plan, due mostly to concerns about the location of parking on the site. Referring to condition #9, he said that the P-1 portion of the subject property does not meet its parking requirements on its own; the petitioner is proposing to make up that shortage on the proposed R-4 portion of the property, which would require the approval of a conditional use permit by the Board of Adjustment. Following the Subdivision Committee meeting, the petitioner submitted a revised plan to the staff that depicted two of the apartment buildings closer together, to allow for a large bay of parking that could better serve the P-1 area. Mr. Taylor stated that, with that change, the staff is now recommending approval of this request, subject to the following revised conditions:

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm, and sanitary sewer information.

3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and arterial screening.
5. Urban Forester's approval of tree inventory map (Lots 4 & 5).
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
- ~~7. Clarify office and apartment requirements in site statistics.~~
- ~~8. Denote location of parking in the R-4 to be used to satisfy the P-1 parking requirements~~
- 7.9. Denote: Board of Adjustment approval of a conditional use for P-1 parking in the R-4 zone will be required prior to approval of a Final Development Plan.
- 8.10. Discuss Denote that the protection of the significant tree (60' Hackberry) and potential impact on the parking will be resolved at the time of the Final Development Plan for Lots 4 & 5.

Commission Question: Ms. Roche-Phillips asked if the proposed "overflow" parking area is accessible from the P-1 portion of the property. Mr. Taylor responded that it is located across the property line, but it has a vehicular connection via a drive aisle.

Petitioner Representation: Darby Turner, attorney, was present representing the petitioner. He stated that the petitioner is in agreement with the staff's recommendations, including the revised conditions, and he requested approval.

Citizen Comment: There were no citizens present to comment on this request.

Zoning Action: A motion was made by Ms. Beatty, seconded by Mr. Brewer, and carried 7-0 (Berkley, Blanton, Mundy, and Wilson absent) to approve MAR 2012-15, for the reasons provided by staff.

Development Plan Action: A motion was made by Ms. Beatty, seconded by Mr. Penn, and carried 7-0 (Berkley, Blanton, Mundy, and Wilson absent) to approve ZDP 2012-93, subject to the eight conditions as listed in the revised staff recommendation.