

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**MAR 2013-13: BALL HOMES, LLC**

**DESCRIPTION**

**Zone Change:** From an Agricultural Urban (A-U) zone  
To a Planned Neighborhood Residential (R-3) zone

**Acreage:** 24.88 net (27.71 gross) acres

**Location:** 4500 & 4524 Old Schoolhouse Lane

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	A-U	Agricultural, Vacant
To North	A-U	Agricultural, Residential
To East	A-U & R-1D	Agricultural, Single Family Residential
To South	R-3, R-1E	Church, Residential
To West	R-3	Single Family Residential, Greenway

**URBAN SERVICES REPORT**

**Roads** – The subject properties are bordered to the west by Harrodsburg Road (US 68), but are accessed via Old Schoolhouse Lane, an access road constructed by the Kentucky Transportation Cabinet when Harrodsburg Road was improved and widened during the last decade. Harrodsburg Road is a major four-lane, divided highway at this location, and is one of two major commuter routes connecting Jessamine and Fayette Counties. It continues northward into downtown and becomes South Broadway. Harrodsburg Road intersects Military Pike (KY 1966) at a signalized intersection to the west/northwest of the subject properties. Twain Ridge Drive is an east-west collector street that runs from Clays Mill west toward Harrodsburg Road. This collector street stubs into the subject property from the east, although a major floodplain (for West Hickman Creek) borders its current terminus. Agape Drive, which extends south into Jessamine County, is a north-south collector street just to the south of the subject property, and is planned to extend to the subject property. The connection of Twain Ridge Drive and Agape Drive would complete the collector street system in this area and would provide connectivity for adjacent neighborhoods, and portions of these streets are proposed to be constructed by the developer.

**Curb/Gutter/Sidewalks** – Harrodsburg Road does not have curb, gutter or sidewalks along the frontage of this property, as it is a typical state highway arterial cross-section. Likewise, Old Schoolhouse Lane, which is an access road, does not have curb, gutter or sidewalks. Agape Drive and Twain Ridge Drive and other residential streets in the adjacent subdivisions do have curbs, gutters and sidewalks. These same facilities will need to be continued and constructed by the developer at the time of development of the subject property.

**Storm Sewers** – The subject property is located within the South Elkhorn watershed. Storm sewers and basins will be constructed by the developer, as necessary, in accordance with the LFUCG Engineering Manuals to protect water quality. FEMA Preliminary Digital Flood Insurance Rate Maps (D-FIRMs) indicate that a Special Flood Hazard Area (floodplain) exists on the subject property associated with South Elkhorn Creek and the Drive-In Tributary. Based upon the D-FIRM, it is estimated that the floodplain covers about 20% of the site. The confluence of these two streams occurs on the subject property, near its northeastern corner. Known flooding occurs along the South Elkhorn Creek and its tributaries in the immediate area. Development on the subject property will not be allowed to exacerbate any known flooding problems on the site or nearby. Of special note is the fact that the Harrodsburg Road (US 68) improvements in the immediate area *likely* changed the floodplain somewhat. This is thought to be true because, in some instances, the old roadway bridge (since removed) acted as a dam during previous flooding events. However, the Urban County Government does not have conclusive data in the form of a flood study to document how the Special Flood Hazard Area may have changed on the subject property or in this immediate area as a result of recent improvements to US 68.

**Sanitary Sewers** – This property is located in the South Elkhorn sewershed and is served by the West Hickman Wastewater Treatment Facility, in northern Jessamine County. Sanitary sewer trunk lines exist across Harrodsburg Road to the west of the subject property, as well as along the eastern and northeastern boundaries of the property within the adjoining subdivisions. Extension of the sanitary sewer system will need to be built by the developer in accordance with the adopted Engineering Manuals. Topographically, the subject property has one of the high points in

the immediate area, as well as one of the low points in the area (the floodplain). The South Elkhorn pump station was recently improved after experiencing periodic overflow problems during peak flow times in the past.

Refuse – This area is served by the Urban County Government with refuse collection on Mondays.

Police – The nearest police station is the West Sector Roll Call Center, located approximately 6 miles to the north of the subject property on Old Frankfort Pike, near New Circle Road.

Fire/Ambulance – The nearest fire station (#20) is located on Arrowhead Drive at Harrodsburg Road, approximately 2 miles northeast of the subject property.

Utilities – All utilities are available to serve the site, including natural gas; electric; streetlights; telephone; water; and cable television service. Utilities should be able to be extended from the nearby residential neighborhoods to serve the development of the property.

### **LAND USE PLAN AND PROPOSED USE**

The 2007 Comprehensive Plan (Sector 11) recommends Medium Density Residential future land use for the subject property. The petitioner proposes to construct a total of 241 residential units on the subject property and the rear portion of the adjoining church property (originally planned as Hampton Springs). The corollary development plan depicts 45 single-family residences and 196 multi-family dwelling units, for an overall density of 7.74 dwelling units per net acre.

### **CASE REVIEW**

The petitioner has requested a zone change from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone for approximately 25 acres of property.

The subject property is comprised of two lots located on the east side of Harrodsburg Road, opposite its signalized intersection with Military Pike. The two parcels are approximately one acre and 24 acres in size and are both accessible from Old Schoolhouse Lane, an access road constructed as part of the recent Harrodsburg Road improvements. The subject property has been used for residential and agricultural purposes; however, one of the residences has been demolished, leaving the smaller parcel vacant at this time.

The subject property is bounded to the north by agricultural land; to the south by a church and vacant residentially zoned property included on the development plan; and to the east and west by established residential neighborhoods, including the Firebrook neighborhood (zoned R-3) and the Waits Property (zoned R-1D). The adjoining church to the south was rezoned R-3 in 1996 and includes about 6 acres of vacant land to the east of the existing church, originally approved for residential development of 100 townhouse units. A rezoning of the subject property was attempted in 2008 for a townhouse residential development, but faced opposition from surrounding property owners and neighborhoods, and ultimately was disapproved by the Urban County Council (MAR 2008-14: Kevin Crouse, Premier Villages).

The petitioner is requesting an R-3 zone in order to construct 45 single family homes and 196 multi-family dwellings in 7 buildings on the property, for an overall density of 7.74 dwelling units per net acre.

The 2007 Comprehensive Plan recommends Medium Density Residential (MD) future land use for the subject property, defined as 5-10 dwelling units per net acre, as well as the rear portion of the adjoining church property. For the 24.88 acres proposed for rezoning, this residential recommendation suggests a range of between 124 and 248 dwelling units. With the 100 units previously approved for the rear portion of the church property, a maximum of 348 dwelling units could be located within the area shown on the corollary development plan. The applicant's residential density of 241 dwelling units is within the range recommended by the Comprehensive Plan for both the subject property and the area depicted on the development plan, and thus is in agreement with the Plan.

The Comprehensive Plan also recommends the extension of the collector street system on the subject property. Specifically, the Plan recommends continuation of Twain Ridge Drive from the east to an intersection with Harrodsburg Road at Military Pike, and Agape Drive from the south to an intersection with Twain Ridge Drive extended. These two collector streets would facilitate movement between established neighborhoods without necessitating the use of arterial roadways, as is now the case. The applicant is proposing a continuation of Agape Drive, and a modified alignment of Twain Ridge Drive on the associated development plan. During the previous zone change request for the subject property, a significant Burr Oak along the frontage of the property became a major issue because the tree is located where Twain Ridge is proposed to intersect with Harrodsburg Road on the Comprehensive Plan's Land Use Map. The 300-year-old tree is now proposed to be protected. The Twain Ridge collector street alignment is proposed to be modified, and continued use of Old Schoolhouse Lane is now planned due to the tree's location and the steep slopes in the area along the Harrodsburg Road right-of-way. Additionally, the applicant is not planning to construct a bridge

across the floodplain, but does plan to provide right-of-way for the eventual completion of the collector system in this area.

In the previous zone change request, the staff opined that any proposed development on this site should respect the historic features immediately adjacent to the subject property, namely the South Elkhorn School House, which is listed on the state registry of historic places and is located near the northwestern corner of the subject property. Conditional zoning restrictions were recommended to protect the historic school house in the form of a buffer area 20 feet wide, which is commensurate with an established tree stand and earthen berm, along the common property line with 4420 Old Schoolhouse Lane. The staff recommends that a similar conditional zoning restriction be applied if the property is rezoned.

A traffic impact study has been submitted in conjunction with this zone change request, as required by Article 6 of the Zoning Ordinance. The Transportation Planning/Metropolitan Planning Organization (MPO) staff will report at the public hearing on their review of this study.

The Staff Recommends: **Approval**, for the following reason:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2007 Comprehensive Plan, for the following reasons:
  - a. The Plan recommends Medium Density Residential (MD) future land use for the subject property, defined as 5–10 dwelling units per net acre. This would suggest a maximum of 248 dwelling units on the subject property.
  - b. The applicant proposes to develop 241 dwelling units on the subject property and about 6¼ acres to the south, for a residential density of 7.74 dwelling units per net acre.
  - c. The proposal provides for the collector street system to connect via the intersection of Twain Ridge Drive and Agape Drive on the subject property, as generally recommended by the Land Use Element of the 2007 Plan.
2. This recommendation is made subject to approval and certification of ZDP 2013-58: Harvey Property (fka E. Maurice Neal Property, W.E. Savage Property & Hampton Springs) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following restrictions are recommended via conditional zoning:
  - a. A maximum of 248 residential dwelling units shall be permitted on the subject property.
  - b. A 20-foot wide landscape buffer and a Tree Protection Area shall be provided along the common property line of the subject property and 4420 Old Schoolhouse Lane (Stringer Property). Existing trees within 20' of the northern property line (extending as far as 150' from the northwest property corner to the east) and 10' thereafter shall be preserved in this buffer. All trees (with a DBH greater than three inches) shall be maintained, and only dead or diseased trees or those within a proposed right-of-way may be removed within this buffer area.
  - c. A solid fence or wall, a minimum of 7' in height, shall be installed within this required landscape buffer if the existing earthen berm is removed from this area.

These restrictions are appropriate and necessary in order to ensure compliance with the Comprehensive Plan land use recommendation; to protect the character of the South Elkhorn School House, an historic structure which is listed on the Kentucky state registry of historic places; to minimize the impact of future development on the structure and its surrounding property; and to maintain the existing tree stand at this location.

TLW/BJR/WLS

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