

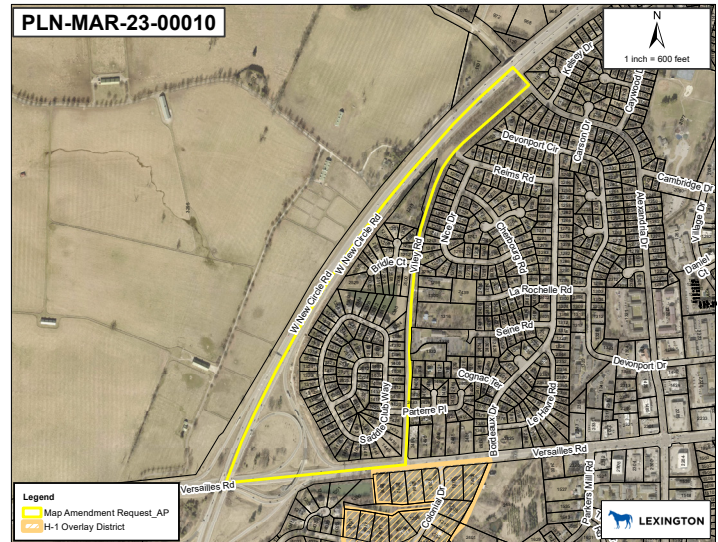
STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-23-00010 URBAN COUNTY COUNCIL

DESCRIPTION OF ZONE CHANGE

Zone Change:	Modification of Conditional Zoning Restrictions in a Single Family Residential (R-1C) zone
Acreage:	37.219 net (65.483 gross) acres
Location:	2500-2529 Bridle Court, 2501-2537 Dressage Way, 1200-1213 Equine Court, 1304-1476 Saddle Club Way, and 1213 Viley Road

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-1C	Single Family Residential
To North	A-R	Agricultural
To East	R-1A/R-1C	Single Family Residential
To South	R-1A	Single Family Residential
To West	A-R	Agricultural



URBAN SERVICE REPORT

Roads - The subject properties are bound to the south by Versailles Road (US 60), which is a four-lane major arterial highway in this vicinity with an additional center turn lane between the east and westbound lanes. New Circle Road (KY 4) bounds the properties to the north and west, and is a divided six-lane major arterial roadway in this vicinity. To the east, the subject properties are bound by Viley Road, a two lane collector roadway.

Curb/Gutter/Sidewalks -The frontages on both Versailles Road and Viley Road contain curb and gutter, but lack sidewalk facilities.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve the properties.

Storm Sewers - The subject properties are located within the Wolf Run watershed. There are no FEMA Special Flood Hazard Areas or environmentally sensitive areas in the subdivision, or the immediate vicinity

Sanitary Sewers - The subject properties are in located the Wolf Run sewershed, and are served by the Town Branch Wastewater Treatment Plant on Lisle Industrial Avenue.

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

Police - The subject properties are served by the West Sector Roll Call Center located on Old Frankfort Pike near New Circle Road, approximately two miles from the subject subdivision to the northeast.

Fire/Ambulance - Fire Station #14 is the nearest station to these sites and is located approximately one-third (1/3) of a mile to the southeast of the subject property at the intersection of Alexandria Drive and Roanoke Road.

Transit - While the Versailles Route (#8) passes by the subject properties, there are no stops within proximity of the site.

Parks - Cross Keys Park is located along Cross Keys Road approximately one-half (1/2) of a mile southeast of the subject property. The planned Cardinal Run North Park expansion is proposed approximately three quarters (3/4) of a mile southwest of the subject property, on Parkers Mill Road.

SUMMARY OF REQUEST

The Saddle Club Subdivision Homeowners Association is seeking to modify conditional zoning restrictions relating to required fencing and landscaping that were applied to the subdivision during the 1995 zone change that established the current Single Family Residential (R-1C) zone.

PROPOSED ZONING



The intent of this zone is to provide for low density, single family detached residences and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

PROPOSED USE



The petitioner proposes to modify the existing conditional zoning restrictions to no longer require fencing or landscaping along New Circle Road.

APPLICANT & COMMUNITY ENGAGEMENT



The Urban County Council initiated the zone change process at the request of representatives of the Saddle Club Subdivision Homeowners Association.

PROPERTY & ZONING HISTORY



The subject properties originally were zoned Single Family Residential (R-1A) and utilized as a portion of Calumet horse farm until they were separated from their parent tract with the construction of New Circle Road in the 1960s. The properties remained vacant until 1995, when they were rezoned to the Single Family Residential (R-1C) zone, as part of the development for the 125-unit Saddle Club single family residential development (95-29CZ). At that time, the following conditional zoning restrictions were placed on the development by the Urban County Council:

Conditional Zoning Restrictions

a. Along the Versailles Road frontage:

1. A fifty (50) foot buffer area shall be provided, which will have the effect of decreasing the number of lots along Versailles Road;
2. Large deciduous trees shall be planted forty-five feet on center;
3. Small flowering trees shall be planted thirty (30) feet on center;
4. The existing farm fencing shall be maintained.

These conditions are reasonable and appropriate in order to preserve the scenic and historic character of Versailles Road.

b. Along the New Circle Road frontage:

1. The existing farm fencing shall be maintained;
2. One large deciduous tree shall be planted every thirty (30) feet;
3. A continuous six (6) foot high hedge, three (3) feet high at planting shall be provided.
4. A twenty (20) foot buffer area shall be provided.

c. Along the Viley Road frontage one (1) street tree shall be planted every forty (40) feet.

Conditions (b) and (c) are appropriate to assure compatibility of the development with the character of the neighboring properties.

Beginning in 2014, the reconfiguration and widening of New Circle Road near the Versailles Road interchange resulted in the Kentucky Transportation Cabinet (KYTC) installing concrete sound barriers along the New Circle Road frontage, approximately 6-8 feet in front of the existing fencing (closer to the roadway). These solid barriers had the additional effect of obscuring the view of the required fencing and landscaping. Based on these improvements, the Saddle Club Subdivision Homeowners Association requested that the Urban County Council modify the 1995 conditional zoning requirements.

CONDITIONAL ZONING RESTRICTION PROCESS



Article 6-7(c) Amendment. Modification, removal or amendment of conditions or restrictions shall be as follows:

1. Restrictions or Conditions Designated by the Urban County Council. The Urban County Council shall have final authority to consider and act upon requests for modification, removal or other amendment of a duly imposed binding restriction or condition so designated by the Council at the time of their adoption.
 - a. Findings Required. The request may be granted by the Council only if it is found that there has been a major change of an economic, physical or social nature on the subject property or within the area in which the subject property is located, which was not anticipated at the time the binding restriction or condition was imposed, and which has substantially altered the basic character of such area making the restriction or condition inappropriate or improper. The burden shall be on the applicant to establish said finding by a clear preponderance of the evidence.
 - b. Procedure. The procedure for review, notice and action on requests to modify, remove or amend an imposed restriction or condition shall be the same as for a zone map amendment, except that a full public hearing by the Urban County Council shall be required in all cases. The Council's decision to modify, remove or amend a duly imposed binding restriction or condition shall be final action; and any person or entity claiming to be injured or aggrieved by that action may appeal to Fayette Circuit Court within thirty (30) days after such final action pursuant to KRS 100.347.

ZONING ORDINANCE COMPLIANCE



The conditional zoning restrictions applied during the 1995 zone change (Ord.246-95; 95-29CZ) were found to be appropriate and necessary to ensure compatibility with the surrounding Calumet Farm, and to preserve the scenic and historic character of Versailles Road.

While a recent resolution issued by the Urban County Council (No. 328-2023) initiated this rezoning to modify the conditional zoning restrictions along both New Circle Road and Viley Road, the letter of justification submitted by the Saddle Club Subdivision Homeowners Association only requested the removal of the requirement for the New Circle Road frontage. They opine that the widening of New Circle Road and installation of the sound barrier was a major physical change in the area, and that, as a result, the landscaping elements required by the original conditional zoning restrictions are no longer visible. A letter from the Association states that continued upkeep of this element would be an unnecessary financial burden on the entire neighborhood, and would present issues with upkeep and maintenance.

Staff agrees that the construction of the sound barrier does represent a major physical change in the area that makes required landscaping in those areas no longer appropriate. However, there is an approximately 650-foot portion of New Circle Road frontage along the rear of the property at 1213 Viley Road that is not obscured by a sound barrier. As there has been no physical change in that area, or the areas along the Viley Road frontage, staff finds that the landscaping requirements for those areas are still appropriate. Although no change is proposed for Versailles Road, it is important to note that the landscaping buffer remains appropriate along that corridor as well.

Based on this information, staff is proposing a staff alternative of modifying the existing conditional zoning restrictions to exempt the areas along New Circle where sound barriers are present as follows:

Conditional Zoning Restrictions

a. *Along the Versailles Road frontage:*

1. *A fifty (50) foot buffer area shall be provided, which will have the effect of decreasing the number of lots along Versailles Road;*
2. *Large deciduous trees shall be planted forty-five feet on center;*
3. *Small flowering trees shall be planted thirty (30) feet on center;*
4. *The existing farm fencing shall be maintained.*

These conditions are reasonable and appropriate in order to preserve the scenic and historic character of Versailles Road.

b. For the portions of the New Circle Road frontage where sound walls are not present:

1. *The existing farm fencing shall be maintained;*
2. *One large deciduous tree shall be planted every thirty (30) feet;*
3. *A continuous six (6) foot high hedge, three (3) feet high at planting shall be provided.*
4. *A twenty (20) foot buffer area shall be provided.*

c. Along the Viley Road frontage one (1) street tree shall be planted every forty (40) feet.

Conditions (b) and (c) are appropriate to assure compatibility of the development with the character of the neighboring properties.

STAFF RECOMMENDS: APPROVAL OF STAFF ALTERNATIVE CONDITIONS, FOR THE FOLLOWING REASONS:



1. The installation of concrete sound barriers by the Kentucky Transportation Cabinet along New Circle Road is a major physical change in the area that was not anticipated at the time of the initial rezoning.
2. Due to the installation of the sound barriers, portions of the required fencing and landscaping are no longer visible from New Circle Road to provide visual consistency with the adjacent Calumet Farm.
3. There has been no physical, social, or economic change in the area that has impacted the appropriateness of the required landscaping along Viley Road, or along the portions of New Circle Road frontage without a sound barrier.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the Saddle Club Subdivision:

Conditional Zoning Restrictions

a. *Along the Versailles Road frontage:*

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2. *Large deciduous trees shall be planted forty-five feet on center;*
3. *Small flowering trees shall be planted thirty (30) feet on center;*
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Conditions (b) and (c) are appropriate to assure compatibility of the development with the character of the neighboring properties.

DAC/TLW
07/31/2023