

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

**MAR 2012-9: ANDERSON CAMPUS RENTAL PROPERTIES, LLC;
ROBERT C. HODGES; AND ANTHONY McINTIRE**

DESCRIPTION

Zone Change: From a Single Family Residential (R-1D) zone
To a Townhouse Residential (R1-T) zone

Acreage: 1.009 net (1.458 gross) acres

Location: 99 – 119 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-1D	Single Family Residences
To East	R-1D & R-2	Single Family Residences and Railroad
To South	R-1D	Single Family Residences and Utility Substation
To West	R-1D	Single Family Residences

URBAN SERVICES REPORT

Roads – Burley Avenue is a local street that borders the subject property to the southwest, and it is parallel to Virginia Avenue and Waller Avenue in the vicinity. Burley Avenue intersects South Broadway to the northwest of the subject property approximately 1,600 feet, and terminates immediately in front of 99 Burley Avenue, at the Norfolk Southern railroad tracks. The subject property is also bordered to the northwest by Prospect Avenue, which is a local street that connects Burley Avenue and Simpson Avenue to the north. South Broadway (US 68) is a major arterial roadway with more than 30,000 vehicles traveling daily along this portion of the corridor.

Curb/Gutter/Sidewalks – Burley Avenue has no urban improvements. Other local streets in the vicinity are also lacking improvement due to the age of the subdivision. Curbing, gutter and sidewalk improvements are typically required for existing public streets, such as Burley Avenue and Prospect Avenue, when redevelopment or new residential infill development occurs.

Storm Sewers – The subject property is located within the Wolf Run watershed. Currently, no storm water facilities exist on the property, or on the rear portion of 101 and 103 Burley that are not part of the subject property. New stormwater improvements may be required as the one-acre subject property develops. If this is the case, new facilities will need to adequately contain any storm water impacts created by the proposed redevelopment. The subject property has no known recent flooding or drainage problems, although some issues were identified along the Norfolk Southern Railroad tracks in the 1990 South Broadway Corridor Plan. These issues have most likely been improved by the stormwater facilities constructed on the north side of Simpson Avenue in the past 20 years.

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 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 near the downtown Public Library.

Fire/Ambulance – The closest fire station (#11) is located less than 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 reconfigured to serve the additional residential units proposed on the subject property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 4) recommends Medium Density Residential (MD) future land use for five parcels (105-119 Burley Avenue) and Greenspace/Open Space future land use for three parcels (99-103 Burley Avenue) of the subject property. The applicant proposes redeveloping a portion of the property with townhouses and

retaining five of the existing single family structures. The applicant is proposes a total of 14 dwelling units and associated off-street parking, for a residential density of 13.88 dwelling units per net acre (9.6 units per gross acre).

CASE REVIEW

The petitioner has requested a zone change from a Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone for just over one acre of property along the north side of Burley Avenue, between Prospect Avenue and the Norfolk Southern Railroad line. Burley Avenue is a local street that runs southeast from its intersection with South Broadway and terminates at the railroad. Generally, it parallels Waller Avenue and Virginia Avenue, but like many residential streets in the area, does not have vehicular access to South Limestone to the east of this location. The P.B. Devereux subdivision was laid out in a grid pattern with several cross streets, such as Prospect Avenue which borders the subject property to the northwest. The subject property is surrounded by single family residences, all zoned R-1D. Two Family Residential (R-2) zoning exists on the other side of the railroad tracks.

The petitioner proposes R-1T zoning for the nine parcels in order to redevelop a portion of the property and maintain the existing single family residences on a portion. The nine parcels that comprise the subject property are being proposed for redevelopment collectively, but ownership is not proposed to change in the near future for most of the parcels. Five of the parcels have significant improvements or new single family structures that are planned to be retained, and the remaining four parcels are either vacant or have structures that will be removed to accommodate construction of nine additional townhouse units. Some fourteen (14) dwelling units are proposed, with 42 off-street parking spaces to the rear of the property.

The Burley Avenue area 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 that, after reviewing topography maps, appears to be associated with the low lying area within the rear portion of 101 and 103 Burley Avenue (not included in the zone change request) (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 three of the subject parcels in whole (99, 101 and 103 Burley Avenue), as well as the utility substation to the southeast and two adjacent parcels. 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 five parcels (105-119 Burley Avenue) and Greenspace/Open Space future land use for three parcels (99-103 Burley Avenue) of the subject property, all of which have been carried forward since the 1996 Comprehensive Plan. With the proposed 14 dwelling units, a residential density of 13.88 dwelling units per net acre (9.6 units per gross acre) is proposed.

Replacing the existing single family residences with open space as the Plan appears to suggest is not feasible unless the government is willing to purchase these tracts of land. Since that appears very unlikely at this time due to budgetary constraints, the staff must consider what land use is appropriate in this location. Given the land use recommendation of the adjoining parcels, and those of the more detailed South Broadway Corridor Plan, it seems reasonable that maintaining a Medium Density Residential land use would be appropriate with significant buffering along the railroad.

The applicant is proposing residential redevelopment, increasing the historical density from 8.92 dwelling units per acre to 13.88 units per acre, which exceeds the range of density recommended by the Comprehensive Plan even if the staff were to assume a medium density land use recommendation for the entire subject property. Also the applicant depicts little open space and no buffering along the railroad as suggested by the South Broadway Corridor Plan, and there is a question how the remaining R-1D zoned property at the rear of 101 and 103 Burley will be used

in the future. The applicant believes that the proposed townhouse area (exclusive of the single family homes that are to remain) may meet the density recommendation; however, the staff cannot analyze this claim without further information from the applicant.

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

1. The current request does not meet the recommendations of the 2007 Comprehensive Plan for Greenspace/Open Space (GS) (buffering of the railroad), or the Medium Density Residential (MD) land use recommendations. The applicant believes that the proposed townhouse area for nine new units (exclusive of the five single family homes that are to remain) may meet the density recommendation; however, the staff cannot analyze this claim without further information from the applicant.

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