

3. DR. ANDREW P. SCHROYER, D.V.M., ZONING MAP AMENDMENT & DOZIER PROPERTY ZONING DEVELOPMENT PLAN

- a. MAR 2013-21: DR. ANDREW P. SCHROYER, D.V.M. (2/2/14)* - petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 3.57 net (3.57 gross) acres; and from an Agricultural Urban (A-U) zone to a Professional Office (P-1) zone, for 1.47 net (1.77 gross) acres, for property located at 3581 Harrodsburg Road.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan recommends Low Density Residential future land use for the subject property, which is defined as 0-5 dwelling units per net acre. The petitioner proposes to rezone the front 1½ acres of the property to P-1 in order to develop a new office building, and the remainder of the subject property for a single-family residential development of 16 lots.

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

The Staff Recommends: Approval, for the following reasons:

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 a Low Density Residential land use for this portion of the subject property, defined as 0-5 dwelling units per net acre.
 - b. The petitioner proposes 16 single family lots on 3.57 net acres, and a density of 4.48 units per acre.
 2. The existing Agricultural Urban (A-U) zone is inappropriate, and the requested Professional Office (P-1) zone is appropriate for the front 1.5 acres of the subject property, for the following reasons:
 - a. The site is too small to yield a productive agricultural use, and has not been farmed for many years.
 - b. P-1 zoning would permit an office building to be developed in a manner consistent with other existing office buildings in this general area. Several of those are adjacent to low density residential uses.
 - c. The P-1 zone could be accessed from the Wellington Way collector street via Palomar Centre Drive, which serves most other professional office uses located in this general vicinity.
 - d. A "step-down" in land use intensity would result from this proposed development pattern, with offices abutting lower density residential uses.
 3. This recommendation is made subject to approval and certification of ZDP 2013-102: Dozier Property, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of any Planning Commission approval.
- b. ZDP 2013-102: DOZIER PROPERTY (2/2/14)* - located at 3581 Harrodsburg Road.
(S. Mark McCain)

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property R-3 & P-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Revise note #9 to read: Lots 2-16 shall be limited to one single family dwelling unit per lot.
9. Discuss proposed detention conflict with zone-to-zone screening requirements.
10. Discuss access proposed to Harrodsburg Road.
11. Clarify extent of tree protection proposed (in site statistics) for 50' T.P.E on site.

Zoning Presentation: Mr. Sallee presented the staff report, briefly orienting the Commission to the location of the subject property northeast of Man O' War Boulevard, a short distance from Wellington Way. He said that the subject property is a long, narrow tract that is currently and entirely zoned A-U. The petitioner is requesting to rezone the rear ¾ of the property to R-3, and the front ¼ to P-1. There is R-3 zoning immediately to the north, for the existing residences located along Palomar Trace Drive; and P-1 zoning exists immediately to the south, for properties that include a bank, the petitioner's veterinary clinic, and an athletic club facility.

Mr. Sallee stated that the 2007 Comprehensive Plan recommends Low Density Residential use for the subject property, so the portion of the zone change to R-3 can be considered to be in agreement with the Comprehensive Plan. Since the petitioner is requesting 15 single-family lots for that portion of the property, with a resulting density of 4.2 dwelling units per net acre. Mr. Sallee said that the P-1 portion of this request is not in agreement with the Comprehensive Plan, but the staff has provided findings in the staff report, indicating that they believe that that zone is appropriate for the front of

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

the subject property, and the A-U zoning is no longer appropriate. The staff believes that the property's proximity to existing P-1 zoning; the fact that it will have access to Wellington Way and the other P-1 properties through the Schroyer Property immediately to the southwest; and the fact that this rezoning could achieve the traditional "step-down" of land use intensity from the Low Density Residential properties on Palomar Trace Drive, to the Professional Office areas, to the more intensive business uses in the Palomar Centre. Mr. Sallee stated that the staff is recommending approval of this request, for the reasons as listed in the staff report and on the agenda, but with a set of revised findings which had been distributed to the Commission members. He noted that a Traffic Impact Study was prepared in conjunction with this request, and he would summarize those results for the Commission following presentation of the zoning development plan.

Development Plan Presentation: Ms. Gallt presented the corollary zoning development plan, noting that the petitioner had submitted a revised version of the plan that addressed some of the Subdivision Committee's conditions for approval, which are listed on the agenda. The staff is now recommending approval of this development plan request, subject to the following conditions:

1. Provided the Urban County Council rezones the property R-3 & P-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Revise note #9 to read: Lots 2-16 shall be limited to one single family dwelling unit per lot.
9. Discuss Resolve proposed detention conflict with zone-to-zone screening requirements (Lot 1).
10. Discuss Denote that access proposed to Harrodsburg Road will be resolved at time of Final Development Plan.
11. ~~Clarify extent of tree protection proposed (in site statistics) for 50' T.P.E on site.~~

Ms. Gallt stated that condition #8 refers to a note on the plan which needs to be revised, since one of the lots will be used as a detention area. Condition #9 refers to the staff's concern about protecting the existing treeline to the rear of the single family lots, since zone-to-zone screening is required for the adjacent P-1 property. With regard to condition #10, Ms. Gallt noted that the petitioner has indicated that they have begun discussions with the Kentucky Department of Transportation about the proposed access to Harrodsburg Road. The staff is recommending that the details involving that access be resolved at the time of the Final Development Plan for the property.

Traffic Impact Study Presentation: Mr. Sallee summarized the Transportation Planning staff's report on the petitioner's Traffic Impact Study, noting that it projected full development for this proposal in 2018. Referring to page 1 of the report, he said that traffic counts in the area are approximately 34,000 trips per day on both Man O' War Boulevard and Harrodsburg Road, with slightly fewer trips on the other major roadways in the area. The proposed office building is projected to have a much greater impact on traffic in the vicinity than the 15 single family lots. Mr. Sallee stated that the study indicated that the proposed development would result in minor impacts on traffic delays in the area, but the Transportation Planning staff did not necessarily agree with that assessment. Mr. Sallee said that they did agree that the projected Levels of Service are generally acceptable in this area, and that the study was performed according to the requirements of the Zoning Ordinance.

Petitioner Presentation: Richard Murphy, attorney, was present representing the petitioner. He said that the petitioner is in agreement with the staff's recommendations on the zone change and development plan.

Mr. Murphy thanked the residents of Palomar Trace Drive, who recently met with the petitioner at his veterinary clinic. At that meeting, the petitioner explained the proposed development to the residents, who in turn expressed their concerns. Based on the residents' concerns, the petitioner has agreed to install a fence on the western edge of the P-1 area, between it and the R-3 area. In addition, Mr. Murphy explained that the petitioner has agreed to not provide pedestrian or vehicular access between the residential and professional office areas.

Citizen Comments: No citizens present wished to speak about this request.

Zoning Action: A motion was made by Ms. Blanton, seconded by Ms. Mundy, and carried 9-0 (Brewer and Drake absent) to approve MAR 2013-21, for the reasons provided by the staff in their revised findings.

Development Plan Action: A motion was made by Ms. Blanton, seconded by Ms. Mundy, and carried 9-0 (Brewer and Drake absent) to approve ZDP 2013-102, subject to the 10 revised conditions as recommended by the staff.