

2. ANGLIANA P2 DEVELOPMENT, LLC, ZONING MAP AMENDMENT & ANGLIANA AVENUE STUDENT HOUSING (AMD.) ZONING DEVELOPMENT PLAN

- a. MAR 2012-6: ANGLIANA P2 DEVELOPMENT, LLC (4/28/12)\* - petition for a zone map amendment from a Heavy Industrial (I-2) zone to a High Density Apartment (R-4) zone, for 0.23 net and gross acre, for property located at 527 Angliana Avenue (a portion of).

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5) recommends Downtown Master Plan (DTMP) future land use for the subject property. The petitioner proposes an R-4 zone in order to develop a storage building and a drive aisle for a new multi-family residential complex to the south of the subject site.

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

The Staff Recommends: Approval for the following reason:

1. The existing Heavy Industrial (I-2) zone is inappropriate, and the requested High Density Apartment (R-4) zone is appropriate for the subject property, for the following reasons:
  - a. The subject property is a vacant, ¼-acre parcel that is not currently used by the adjoining warehouse property. It will be used by the apartment development approved to the south of this location, for a drive aisle and maintenance building, and as such, it is more appropriately zoned in the same category as that developing residential property.
  - b. The proposed R-4 zone will ensure a less intensive future use of the subject property, but will still allow for a mixture of land uses in the Angliana Avenue corridor.
  - c. The subject site, located at the end of Hamm Alley, is not appropriately zoned for an independent heavy industrial use. Thus, its consolidation into the adjoining residential development is its most appropriate future use.
2. This recommendation is made subject to approval and certification of ZDP 2012-15: Angliana Avenue Student Housing (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 2012-15: ANGLIANA AVENUE STUDENT HOUSING (AMD.) (4/28/12)\* - located at 525 Angliana Avenue. (Brandstetter Carroll)

Note: The purpose of this amendment is to shift the location of a maintenance building.

The Subdivision Committee Recommended: Approval, subject to the following 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 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. Delete consolidation information shown.
6. Denote: No building permits will be issued for construction, remodeling or occupancy of the storage building until the rezoning of this property to an R-4 zone is finalized.
7. Clarify "emergency vehicle access" into the development, to the approval of the Division of Fire & Emergency Services.

Zoning Presentation: Mr. Sallee presented the staff's zoning report for this rezoning request, briefly orienting the Commission to the location of the subject property on the east side of Angliana Avenue and the west side of the Norfolk-Southern rail yard, midway between South Broadway and Versailles Road. He noted that the subject property is a very small parcel, approximately 37 feet in width at its widest point. The subject property is located at the end of Hamm Alley, which is a narrow, paved roadway separating an existing warehouse from a former warehouse.

Mr. Sallee displayed an aerial photograph of the subject property, noting the location of three warehouses on Hamm Alley, the northern two of which are served by Hamm Alley. He explained that one of the warehouses depicted in the photo has since been removed, and that property has been rezoned to R-4; a residential development is currently under construction there. The petitioner is proposing to rezone the subject property to R-4 in order to match the residential zoning of the property to the south, and to simplify the internal access for the ongoing development of that parcel. The subject property has already been approved for a storage building and drive aisle to serve the adjoining residential development.

Mr. Sallee stated that the 2007 Comprehensive Plan identifies the subject property at the edge of the Downtown Master Plan area. The DTMP states that it is logical that the subject property and surrounding area retain some of the existing industrial land uses, and that some of the existing buildings should be creatively or adaptively re-used. Mr. Sallee said that the staff cannot find, therefore, that this proposed rezoning to R-4 is in agreement with the Comprehensive Plan. However, the staff does believe that the existing I-2 zone is no longer appropriate for the subject property. This property is no longer needed to serve the warehouse use in the area, and would not be appropriate for

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



an independent industrial use. Mr. Sallee said that the staff believes that rezoning the subject property to R-4 will not create a nuisance to the new residents immediately to the south of the subject property. Therefore, the staff and Zoning Committee are recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

Commission Question: Ms. Copeland asked what the size of the "parent tract" is. Mr. Sallee reviewed the development plan rendering, but could not find that information. Nick Nicholson, attorney for the petitioner, answered that the larger parcel is 5.7 acres in size.

Development Plan Presentation: Mr. Martin presented the corollary amended final development plan, noting that the subject property is in a small area at the rear of the property. The parcel is included on the larger development plan for the new apartment complex, which was recently approved by the Commission. With this amended plan, the petitioner is proposing to slightly shift the original location of the maintenance building.

Mr. Martin stated that the subject property is associated with a "land swap" by the petitioner, which includes the closure of Hamm Alley. That street closure is on the docket for second reading by the Urban County Council at their meeting later on the evening of this public hearing. The staff understands that, as part of that swap, the adjoining property owner will receive all of Hamm Alley, which was originally created to provide access to a fire hydrant, while the petitioner receives the area proposed for the drive aisle and maintenance building. Hamm Alley will be maintained as an access easement to serve the subject property, as well as a gated emergency access point.

Mr. Martin said that the Subdivision Committee recommended approval of this plan, subject to the seven conditions as listed on the agenda. He noted that condition #7 will require the approval of the aforementioned access gate to the approval of the Division of Fire and Emergency Services.

Petitioner Representation: Nick Nicholson, attorney, was present representing the petitioner. He stated that the petitioner owns a six-inch strip on the side of Hamm Alley. With the closure of Hamm Alley by the Council, that strip will revert back to the owner of the property at 525 Angliana Avenue, along with the turn aisle, and will be exchanged for the 0.23 acres at the rear of the property. Mr. Nicholson explained that the turn aisle was constructed because many of the large tractor-trailers that use the area as an access to the adjoining warehouses were unable to make the tight turn, which was causing curb erosion and damage to the right-of-way. The property swap will provide more space for the turning radius for those trucks, while the subject property will retain the gated emergency access to the rear portion of the property.

Commission Questions: Mr. Penn asked how emergency vehicles will access the gated entrance. Mr. Nicholson answered that the gate will be locked, and the Division of Fire and Emergency Services personnel will have a key. Charles Schneider, Brandstetter Carroll, said that Captain Bowen requested a locked gate, rather than a crash gate, for that emergency access location.

Citizen Comments: Charles Seymour, 104 Irvine Road, asked if the petitioner had considered whether there are any environmental issues on the subject property, since it was formerly used as a warehouse. Mr. Owens replied that that was one of the sign-offs on the previous development plan for the property. Mr. Nicholson added that the petitioner was required to determine, as part of the purchase of the property, if there were any environmental concerns, on-site. He said that none were found.

Zoning Action: A motion was made by Mr. Cravens, seconded by Mr. Penn, and carried 8-0 (Blanton and Brewer absent) to approve MAR 2012-6, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Cravens, seconded by Ms. Beatty, and carried 8-0 (Blanton and Brewer absent) to approve ZDP 2012-15, subject to the seven conditions as listed on the agenda.