

1. ANDERSON CAMPUS RENTAL PROPERTIES, LLC; ROBERT C. HODGES AND ANTHONY McINTIRE ZONING MAP AMENDMENT & P.B. DEVEREUX SUBDIVISION (LYNN GROVE ADDITION) ZONING DEVELOPMENT PLAN

- a. MAR 2012-9: ANDERSON CAMPUS RENTAL PROPERTIES, LLC; ROBERT C. HODGES AND ANTHONY McINTIRE (7/26/12)* - petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone, for 1.009 net (1.458 gross) acres, for property located at 99 – 119 Burley Avenue.

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 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).

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

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.
- b. ZDP 2012-31: P.B. DEVEREUX SUBDIVISION (LYNN GROVE ADDITION) (7/26/12)* - located at 99-119 Burley Avenue. **(Barrett Partners)**

The Subdivision Committee Recommended: Postponement. There were concerns with proposed lotting and compliance with open space requirements of the Zoning Ordinance.

Should this plan be approved, the following conditions should be considered:

1. Provided the Urban County Council rezones the property R-1T; 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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote reciprocal parking and access for all buildings.
8. Denote sidewalk widths.
9. Denote number of bedrooms proposed per unit.
10. Complete topographic information on entire plan.
11. Discuss use of triangular remnant in R-1D zone.
12. Discuss need for sidewalk along Burley Avenue.
13. Discuss compliance with Article 8-10(o)(3) of the Zoning Ordinance.
14. Discuss lack of parking at 119 Burley Avenue.
15. Discuss plan status.

Zoning Presentation: Ms. Wade presented the staff report on this zone change, noting that the petitioners are requesting rezoning from the R-1D zone to the R-1T zone. She explained that the subject property is comprised of nine parcels, from 99 Burley Avenue through 119 Burley Avenue, including the entire face of one block. Burley Avenue is a local street that intersects South Broadway to the northwest of the subject property, and terminates adjacent to the Norfolk-Southern Railroad track at the rear of the subdivision. With regard to the zoning in the immediate vicinity, Ms. Wade said that the subject property is surrounded on the north, west, and south sides by R-1D zoning; the area to the east across the railroad tracks is zoned R-2. All of the uses in the surrounding area are residential. Ms. Wade stated that the parcels comprising the subject property are nearly one acre total in size. Some of those parcels are whole properties, but the rear portions of 101 and 103 Burley Avenue are not included in this request.

Ms. Wade said that the petitioners are proposing to redevelop some of the nine parcels, adding some new townhouse units and retaining some existing single-family structures. She displayed an aerial photograph of the subject property, noting the surrounding single-family residences; the Kentucky Utilities substation located across Burley Avenue from the subject property; the railroad; and the University of Kentucky properties in the Press Avenue area. Ms. Wade also displayed several ground-level photographs, noting: 1) the locations of the five existing single-family residences that are proposed to be retained; 2) the four parcels at either end of the subject property, most of which are vacant, and the buildings proposed for demolition on the remaining parcels. Ms. Wade stated that the petitioners are proposing a total of 14 dwelling units on the subject property, with 42 associated off-street parking spaces along

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the rear of the property. She displayed several more photographs of the property, including views of: 1) the vacant portion of the property near the railroad tracks, which previously had three residential structures on it; 2) two single-family residences near the railroad tracks; 3) three newer single-family residences, which are proposed to remain; and 4) the intersection of Prospect and Burley Avenues.

Ms. Wade stated that the staff had distributed an exhibit package to the Commission members that included excerpts from the South Broadway Corridor Plan, the detailed recommendations that went along with it, and the associated land use map. Referring to a 2010 aerial photograph of the subject property, she noted the locations of the structures that had been demolished, and which ones have since been replaced. She explained that the Burley Avenue area was studied as part of the South Broadway Corridor Plan, and several specific recommendations of that Plan refer to the area, including: Recommendation 13, which speaks to providing dense landscaping, open space, or berming along the railroad track as a buffer to help mitigate the noise, vibration, dust, and odors associated with the train traffic. That portion of the South Broadway Corridor Plan also states that the area along the railroad track has been further impacted by stormwater problems, which were complicated by karst topography. Recommendation 14 also refers to this portion of the South Broadway Corridor, suggesting that properties along Burley Avenue and other streets in the area should be developed as medium-density residential, due to the structural condition of some of the existing buildings. Recommendation 35 suggests addressing the stormwater management issue in the low-lying areas of the rear portions of 101 and 103 Burley Avenue, which are not included in this rezoning request. Ms. Wade referred to the land use map that was included in the South Broadway Corridor Plan, noting that it recommends Medium Density Residential land use for most of the neighborhood, as well as a dense buffer along the railroad tracks.

Ms. Wade stated that the 1996 Comprehensive Plan adopted the South Broadway Corridor Plan in its entirety, including the land use recommendations, and those recommendations have carried forward to the 2007 Comprehensive Plan. Six of the nine parcels, which are located closer to Prospect Avenue, are recommended for Medium Density Residential use; the three larger parcels, located near the railroad, are recommended for Greenspace/Open Space land use. The staff's assessment of the 2007 Comprehensive Plan's recommended open space is that it was intended to implement the buffer as originally recommended by the South Broadway Corridor Plan. Ms. Wade said that the proposed 14 dwelling units on the subject property would result in a residential density of 13.88 dwelling units per net acre. The Comprehensive Plan's recommendation for Medium Density Residential use is 0-10 dwelling units per acre, so the petitioners' proposal is approximately four dwelling units above the recommended number. Replacing the existing single family residences with open space, as the Plan suggests, is not feasible unless the government is willing to purchase the properties. Given the current budgetary constraints, the staff believes that would be unlikely. Ms. Wade said that, in their original justification, the petitioners indicated that they could meet the density recommendation set forth by the Comprehensive Plan; however, they later determined that that would not be possible given the size of the subject property and the number of units proposed. The staff had previously concluded that it was appropriate and reasonable to conclude that Medium Density Residential use would be appropriate for all nine parcels included in the subject property. However, that would permit only 10 dwelling units on the subject property, not the 14 units proposed by the petitioners. In addition, the staff believes that providing more open space to act as a buffer on the three lots nearest the railroad tracks would be appropriate.

Ms. Wade stated that, based on the previously submitted plan for the proposed development, the staff had three major concerns: firstly, that the requested density was still above the recommendation of the Comprehensive Plan; second, that the petitioners had given no indication that they were willing to provide open space or buffering along the railroad tracks; and thirdly, that there were still concerns about how the remaining portions of 101 and 103 Burley Avenue would be used, since the tracts would become split-zoned. Ms. Wade reported that the petitioners had submitted a revised justification, copies of which were distributed to the Commission. In that justification, they asserted that the proposal is close, although slightly over, the density recommended by the Comprehensive Plan. They also contend that there are developments in the general vicinity of the subject property that are higher density than the proposed development.

Ms. Wade said that the staff does not believe that the comparisons offered in the justification are pertinent in this case, as the projects they used for comparison are not similarly situated. For example, one of the properties mentioned along Burley Avenue, which the Planning Commission considered for redevelopment earlier in 2012, was already zoned R-4 to permit a higher-density development. The petitioners also refer to an apartment complex, developed in the last decade, that is recommended for high density residential use by the Comprehensive Plan. The petitioner is contending that the existing R-1D zoning is inappropriate at this location, and the proposed R-1T zoning is appropriate, because it will serve as a transition between high density and single-family residential uses. The staff does not agree with that assertion, however, because the subject property is still surrounded by single-family zoning and uses. The petitioners also state, in their revised justification, that they are meeting several of the Goals and Objectives which were recently adopted by the Urban County Council for the 2012 Comprehensive Plan. They claim that the proposed development will fulfill Infill and Redevelopment goals, reduce pressure on the Urban Service Area boundary, use adequate essential facilities in an efficient way, and encourage a range of housing opportunities.

Ms. Wade stated that the staff does not agree that the subject property would function as a transition area, as the petitioners contend, since it is surrounded by single-family residences and zoning. The staff believes that, since the petitioners own parcels adjacent to the subject property, that they could meet the density recommended by the Comprehensive Plan by including the rear portions of 101 and 103 Burley Avenue that they excluded from this request. The staff also does not believe that there has been an unanticipated change of a physical, social, or economic nature in this area since the 2007 Comprehensive Plan. Ms. Wade said that, for these reasons, the staff is not able to support this rezoning request as proposed. She noted that, while the staff respects the petitioners' attempt to maximize density on their property, they would note that higher density is not appropriate at every location. The staff is recommending disapproval, for the following reasons:

1. The requested Townhouse Residential (R-1T) zone is not in agreement with 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 petitioners' proposed mixture of nine townhouses and five single family residences, representing a residential density of 13.88 dwelling units per acre, exceeds the density range of 0-10 dwelling units per net acre recommended by the Plan.
2. The existing Single Family Residential (R-1D) zone remains appropriate and the proposed R-1T zone is not appropriate for this location for the following reasons:
 - a. The subject property would remain surrounded by R-1D zoning and single family residences.
 - b. The established neighborhood is primarily comprised of small, detached single family residences, and the proposed townhouses would be inter-mixed with five single family residences which are to remain on site.
3. There has been no significant unanticipated change of a physical, social or economic nature since the Comprehensive Plan was adopted in 2007 which would warrant the increased density now requested.

Ms. Wade noted that the Zoning Committee recommended postponement of this request at their meeting in June, and they have not made any other recommendation since that time.

Commission Questions: Ms. Blanton asked if any changes had been made to this request since the Zoning Committee first reviewed it. Ms. Wade answered that the petitioners had submitted a revised justification, and shifted some buildings a few feet from the railroad.

Ms. Roche-Phillips asked how big the two flag-shaped lots, which were not included in this request, are. Ms. Wade responded that, if those properties were included, the total size of the subject property would increase from 1.009 acres to 1.385 acres in size. Those two lots would equal approximately 1/3 an acre.

Ms. Plumlee asked if parking for the five existing structures is provided on the street. Ms. Wade answered that some of those vehicles currently park on the street; the "twin" structures have paved parking in the rear of the property. Ms. Plumlee asked how large the buffer area for the railroad should be. Ms. Wade responded that the staff did not suggest a specific width, but that they would be comfortable with a 15' buffer planted with trees, shrubs, or some other materials to help mitigate the noise and dust from the railroad track.

Ms. Mundy asked if the staff was recommending a 15' buffer only along the railroad track. Ms. Wade answered affirmatively. She noted that, should the petitioners choose to include the two parcels adjacent to the rear of the property, there is an existing low-lying area that could be identified as a detention area. Ms. Mundy asked who would be responsible for the maintenance of that detention area. Ms. Wade deferred the question to Mr. Martin's presentation on the development plan.

Ms. Roche-Phillips asked, with regard to the aerial photograph that depicts the nearby Newtown Crossing development, if a 15' buffer was provided along the railroad track at that location. Ms. Wade responded that she was unsure, but that the petitioners might be able to provide more information since they own that property as well.

Petitioner Comments: Dennis Anderson, petitioner, answered that the University Village development depicted in that photograph, which he also owns, has a 5' buffer area with a fence and plantings.

Development Plan Presentation: Mr. Martin presented the corollary combined preliminary development plan and preliminary subdivision plan, briefly orienting the Commission to the location of the subject property. The petitioners are proposing to retain the existing newer structures in the middle of the subject property, and construct new townhouses near the end of Burley Avenue and at the corner nearest to South Broadway. Mr. Martin explained that they are now proposing to install some buffering along the railroad tracks on this revised plan. Access is proposed to the property from Burley and Prospect Avenues, with a one-way circulation pattern through the development. This revised plan includes 14 dwelling units, 30' in height, with four bedrooms in each unit, for a total of 56 bedrooms. The petitioners are also proposing 42 parking spaces.

Mr. Martin stated that the Subdivision Committee originally recommended postponement of this plan, due primarily to concerns about the open space requirements of the R-1T zone. The petitioner submitted an exhibit that demon-

strates that the proposed development can meet the requirement for private open space on each lot. Therefore, the staff has prepared the following revised recommendation, copies of which were distributed to the Commission members:

The Staff Recommends: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property R-1T; 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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. ~~Denote reciprocal parking and access for all buildings~~ Provide lotting and site statistics as required for a preliminary subdivision plan.
8. ~~Denote sidewalk widths.~~
9. ~~Denote number of bedrooms proposed per unit.~~
10. ~~Complete topographic information on entire plan.~~
8. 11. Discuss Denote vehicular use screening adjacent to of triangular remnant in R-1D zone.
12. ~~Discuss need for sidewalk along Burley Avenue.~~
13. ~~Discuss compliance with Article 8-10(e)(3) of the Zoning Ordinance.~~
14. ~~Discuss lack of parking at 119 Burley Avenue.~~
15. ~~Discuss plan status.~~

Mr. Martin stated that the first six conditions are typical sign-offs. He explained that condition #7 refers to the original filing of this item as just a preliminary development plan. The staff recommended that the petitioners make it a preliminary subdivision plan as well, which would require some adjustments in the usual site statistics. Mr. Martin said that the staff reviews each zoning development plan as if the proposed zoning was in place, which can result in differing staff recommendations between the map amendment request and the corollary plan. The staff is now recommending approval of this zoning development plan, and would note that, following the discussion at the Subdivision Committee meeting, the petitioners have added sidewalks along the frontage of the subject property.

Commission Question: Ms. Roche-Phillips stated that the existing older structures on the subject property seemed to have larger setbacks than the newer structures, and asked if the R-1T zone has lesser setback requirements. Mr. Martin answered in the affirmative. Ms. Roche-Phillips asked if the existing zoning requires 20' setbacks, with which Mr. Martin agreed.

Staff Comments: Mr. Martin explained that the petitioners are proposing to consolidate two lots adjacent to the detention area. He said, with regard to Ms. Mundy's earlier question, that a private property owner would normally be required to maintain the detention area, but the LFUCG will often assume those responsibilities in residential areas. However, townhouse residential developments are often considered as commercial properties with regard to storm-water control.

Petitioner Representation: Richard Murphy, attorney, was present representing the petitioner. He stated that he was representing two development groups, both of which were operating in the same area, who came together to create a better development plan for the subject property than either group could have done alone. The two groups wanted to work together in order to ensure that the development is architecturally similar, and to benefit the community.

With regard to the staff's concerns about the density proposed for the subject property, Mr. Murphy said that, although the density is a bit higher than the Comprehensive Plan recommends for the subject property, the petitioners believe it would be appropriate at this location. He added that the Comprehensive Plan's definition of medium density includes townhouses and attached homes.

Mr. Murphy displayed the following photographs of the subject property and surrounding area: 1) view of the large Kentucky Utilities substation located directly across from the property, which is 25' tall; 2) thick vegetation near the railroad track, which is approximately 6' above street level; 3) a view from the subject property to the railroad tracks, noting the thick vegetation that makes it difficult to see the tracks; 4) the existing house on 119 Burley Avenue, the owner of which has agreed to sell her home to the petitioner when she decides to move; 5) a house on Prospect Avenue which is vacant, not up to code, and has boarded-up windows; and 6) the University Village development, which is owned by one of the petitioners and located ½ block behind the subject property. He said that some area residents have thanked the petitioner for purchasing vacant homes in the area, removing squatters, and helping to clean up the neighborhood. He added that all of that particular petitioner's developments have on-site managers who are familiar with the activities on the properties and work to ensure they are well-maintained.

Mr. Murphy said that no mention was made of student housing needs when the South Broadway Corridor Plan was drafted in 1990. That Plan mentioned that most of the housing stock in the Burley Avenue area was in poor condition and should be either renovated or replaced. In the 22 years since the adoption of that Plan, portions of the area have been redeveloped for use as student housing, and many students have moved into the neighborhood. Referring to the exhibit packet he had previously distributed to the Commission members, Mr. Murphy stated that, within the 400' notification area for this rezoning request, just over 18% of the properties are owner-occupied; over 70% of the properties are occupied by renters. The other 10% of the property in the area is owned by Kentucky Utilities and the University of Kentucky. As the University has expanded its operations in recent years, including the very large project at the Medical Center, a great deal of student housing in the area has been lost, "pushing" the students toward housing further away from the campus. The subject property and surrounding area are an ideal location for student housing, since they are within easy walking distance of campus, unlike the developments along Red Mile Road, which require a bus ride.

Mr. Murphy said that, at the Subdivision Committee meeting three weeks ago, there was some discussion about how students residing on the subject property would get to campus. He explained that most of the students in the area cut through the adjacent University Village development to Virginia Avenue, which then provides easy access to the center of UK's campus. There are fence openings at the end of American and Camden Avenues which connect to the streets off of Waller Avenue, which are also used by students. Some concerns were raised at that meeting about students crossing the railroad tracks to get to campus; Mr. Murphy pointed out that the 6' grade change and heavy vegetation along the rail line near the subject property would probably be sufficient to discourage pedestrians from crossing at that location. The petitioner has begun discussions with the University about the possibility of constructing another pedestrian overpass over the railroad tracks, but those talks are still in very early stages.

Mr. Murphy said, referring to his exhibit packet, that it contained copies of both the original and current plats for the subject property and surrounding neighborhood. The original plat for the property was recorded in 1923, with all of the lots on the northern side of Burley Avenue being 25' wide and 125' deep. The resulting density for Burley Avenue was 14 units per acre. Mr. Murphy noted that the 13.88 units now proposed is less than what was originally intended for the property. The townhouse development on the former Kingdom Hall property, which was approved earlier in 2012 by the Planning Commission, has a density of 16.99 units per acre. The Board of Adjustment granted a variance for that development to move the setback lines forward, which allowed a greater amount of buildable area on that lot. The LFUCG was involved in that process as well, agreeing to relocate a neighborhood park across the street in order to accommodate the proposed development. Given the similarity between that project and this proposal, the petitioner believes that the proposed development will be appropriate and in keeping with the character of the neighborhood. Mr. Murphy added that, 11 years ago, the petitioners developed the adjacent University Village complex at 42.5 units per acre, which they contend reinforces their assertion that the proposed development will fit in with the historical character of the neighborhood. The petitioners also contend that, by constructing the parking area to the rear of the proposed townhouses and moving the structures toward the street, the appearance of the neighborhood will actually be improved.

Mr. Murphy stated that some questions had previously been raised as to why the petitioners included the existing single-family detached residences that are proposed to remain on the property as part of this rezoning request. He explained that, by including those structures in this request, they can be maintained on one development plan, with a joint parking area in the rear and a good driveway circulation plan. That proposal would eliminate the creation of several individual driveways to Burley Avenue, and provide a more urban design for the neighborhood.

Mr. Murphy stated that, although the staff does not agree, the petitioners believe that the proposed zone change is in agreement with the recommendations of the Comprehensive Plan. He said that the consensus among various planning organizations in Fayette County for the last 20 years has been that we should "build up, not out." One of the necessary means for achieving that goal is increasing density through redevelopment of existing areas with vacant lots. Mr. Murphy said that the 2012 Comprehensive Plan Goals & Objectives emphasize increasing density in the urban core, where essential services and infrastructure are already available, in order to relieve the pressure on the Urban Service Area Boundary. He read the following, from Goal E, Objective 1B: "Encourage compact, contiguous and/or mixed-use, sustainable development within the Urban Service Area, as guided by market demands to accommodate future growth needs." Mr. Murphy said that the petitioner believes that the proposed development would be the perfect project to fulfill that goal.

With regard to the staff's concerns about the vacant parcels at the rear of the subject property, which are not part of this request, Mr. Murphy said that the petitioners own all but one of the lots that have frontage on Prospect Avenue. Their plan is to purchase that one remaining property if the owner decides to sell, rezone it and all of the other vacant parcels to R-3, and develop that area as a transition from the high-density student apartment to the north, and the single-family uses in the Burley Avenue area.

Dennis Anderson, petitioner, stated that the residential structures in the Burley Avenue area were built in the 1920s and 1930s without the automobile in mind, so parking space is limited in this neighborhood. As a result, many of the existing residents park in their front yards. Mr. Anderson approached some of the other individuals who were building

in the neighborhood in order to create cohesively developed blocks with one driveway access and parking in the rear. He displayed a photograph of an example of the type of housing proposed to be constructed on the subject property, noting that the new units would be attractive, safe, and energy efficient, unlike many of the existing homes in the area. Mr. Anderson said that he and the other petitioners believe that the proposed townhouses with parking in the rear would be the best solution for the redevelopment of the subject property, and he requested approval.

Commission Question: Mr. Penn asked if the five new single-family structures on the subject property are rented or owner-occupied. Mr. Murphy answered that those residences are currently rented to UK students. Mr. Penn asked why the petitioner decided to "switch" the type of development from single-family detached homes to townhouses in the middle of a block. Mr. Anderson answered that he had intended to have the residents of the new homes on Burley Avenue park in the lot he owns as part of the University Village development. Mr. Penn asked if Mr. Anderson had built the five single-family residences, to which Mr. Anderson responded that he had built three of them. Mr. Penn asked where the residents of those homes were expected to park. Mr. Anderson answered that it had been his intention for those residents to park in the University Village lot, down the street. Mr. Penn asked if Mr. Anderson had decided to seek a zone change for the subject property and switch to townhouse development because those units would be easier to rent than single-family homes. Mr. Anderson replied that, if adequate parking was available, single-family homes would be more desirable, and cheaper to build. He said that it would actually cost more to build three attached units with parking in the rear, although it would be a nicer place to live since parking would be easily accessible. Mr. Anderson added that the main reason for the change was that he believed that proposed townhouses development would be a better design for the property.

Mr. Murphy added that the petitioners nearly filed a zone change application for just the portion of the subject property owned by Mr. Anderson, when they realized that it might be preferable to work with the other developers in the area.

Mr. Wilson asked if the petitioners would be willing, since their proposed density is so close to the Comprehensive Plan recommendation, to negotiate that number down as suggested by the staff. Mr. Murphy answered that the property where the University Village development is now located was not recommended for residential use by the Comprehensive Plan when the property was rezoned in 2001. The petitioners believe that the provision of student housing within walking distance of the UK campus is important enough to allow the density on the property to go a few units above the Plan's recommendation. Mr. Anderson noted that one of the reasons for the specific density proposed is that it would allow them to maintain straight property lines, which could make it easier to develop the vacant parcels to the rear of the subject property in the future.

Citizen Support: Carol West, 1310 Southern Avenue, stated that she supports the proposed rezoning of the subject property, because she believes that the petitioner's previous redevelopment projects have improved the neighborhood. She said that the new homes are more attractive, and property values in the area are improving. In addition, neighborhood safety has improved due to more frequent patrols by bicycle and mounted police who monitor the activities at the nearby student apartment complexes.

Casey Collin, 1306 Southern Avenue, said that she believes that her neighborhood looks more attractive because of the petitioner's redevelopment efforts. She stated that, contrary to what some believe, the UK students who live nearby are excellent neighbors. She added that drug activities and crime in the neighborhood have decreased since many of the boarded-up homes have been removed, and she now feels safer in her home.

Citizen Opposition: Ginny Daley, 136 Burley Avenue, asked that the Planning Commission disapprove this request. She said that the Burley Avenue neighborhood is already fairly dense, with small lots and yards, and gravel driveways. The neighborhood does not have storm sewers, so the added stormwater runoff from the paving on the subject property could cause problems. The addition of new residents in the proposed development would add more vehicle traffic to the area, where the streets are narrow and there are no sidewalks to accommodate the regular pedestrian traffic. Ms. Daley noted that, since the subject property is situated at the rear of the neighborhood, the additional traffic will impact every resident, since students will have to travel through the neighborhood to reach any of the nearby collector streets.

Ms. Daley said that the Burley Avenue area is safer, but not because of the petitioner's redevelopment projects. She believes that adding a large number of student residents near the railroad tracks could actually result in increased crime in the neighborhood.

Ms. Daley stated that she does not agree with the petitioner's assertion that the proposed development is in agreement with the recommendations of the Comprehensive Plan. She said that the 2007 Comprehensive Plan emphasized the need for affordable workforce housing, but the proposed development will be targeted to UK students only. The rents in those types of student developments typically cost about four times as much as a single family would pay for a similar dwelling unit. In addition, redeveloping the subject properties will require the removal of existing af-

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fordable housing. Ms. Daley did not believe that the proposed development would be suitable for reuse by families or as elderly housing, since the units are constructed with four bedrooms and bathrooms, with small common-area kitchens and living rooms.

Ms. Daley said that the 2007 Comprehensive Plan also spoke to sustainability and reducing carbon footprints. She believes, however, that tear-downs and new construction add unnecessary waste to landfills, and removal of vegetation for parking lots can contribute to the urban heat island effect, which is contrary to reducing carbon footprints.

Ms. Daley stated that she does not believe that the proposed development is sympathetic with the existing neighborhood in terms of scale, density, or function. She believes that approving this proposed rezoning could set an unhealthy precedent for future development in the neighborhood.

With regard to Mr. Murphy's comments, Ms. Daley said that, when the South Broadway Corridor Plan was adopted 20 years ago, there was extensive blight in the neighborhood. She noted that now, however, she believes that the petitioner is one of the causes of blight in the area. The petitioner and other developers purchase run-down properties and either board up the structures, or remove them and allow the lots to become overgrown and unattractive.

With regard to the statistics Mr. Murphy provided about owner occupancy in the neighborhood, Ms. Daley said that her property, which she owns, was depicted as a rental on the graphic distributed by the petitioner. She stated that, although not all of the residents of the Burley Avenue area own their homes, many are long-term, contributing members of the neighborhood, and students are actually the transients in this area.

Ms. Daley stated that UK's 20-year plan does not include any proposal to construct student housing across the railroad tracks in the vicinity of Burley Avenue. She believes that the new UK student housing initiatives will actually alleviate the need for housing in the vicinity of the subject property, which will leave housing complexes that are unlikely to be reusable as housing for families.

Ms. Daley said, with regard to Mr. Murphy's comments about the recent apartment development on the Kingdom Hall property, that that parcel is much better situated for a student housing development. She noted that its location close to the South Broadway/Burley Avenue intersection would be more convenient for students, and they would not have to travel through the neighborhood to access a collector street. Ms. Daley believes that the developer of that project is giving back to the neighborhood by purchasing three houses and using that space to provide a park for the residents. She added that she does not believe that the petitioner has demonstrated that kind of generosity in their relationship with the Burley Avenue neighborhood residents.

Petitioner Rebuttal: Mr. Anderson stated, with regard to Ms. Daley's comments about his generosity, that the Town Branch Trail was made available through a \$1.7 million donation he made. He also gave the church located next to the trail half of the property for their new facility.

Mr. Murphy stated that, when property owners in the Burley Avenue neighborhood have been ready to sell their property, they typically contact one of the petitioners because that sale would eliminate the need for them to hire a realtor and pay many of the usual commissions involved in such a transaction. The petitioners are held to much higher standards with regard to code violations than are the property owners in many cases, so many of the existing structures in the neighborhood are in such poor condition that they are unable to be renovated.

Mr. Murphy said that the subject property will become student housing whether or not this request is approved, since students are actively seeking to live in the area due to its close proximity to the UK campus. He said that he sees no downside to allowing the proposed units to be attached, which will result in a well-designed development with parking in the rear. The petitioner will also construct sidewalks which can be used by all of the residents.

Staff Rebuttal: Ms. Wade stated, with regard to Mr. Murphy's comments about the original plat for the subject property, that the density depicted on the plat is not necessarily an accurate depiction of the neighborhood's historical development pattern. At the time of their sale, many lots were combined. She noted that the historical development in the neighborhood is medium density, or about 1/2 to 2/3 of the density "proposed" on the original plat. For example, the adjacent block was platted with 28 lots, but there are actually only 13 dwellings built on those lots.

Ms. Wade stated that the densities developed on the nearby locations are not comparable, since the subject property is located at the rear of the subdivision and generally recommended for Medium Density Residential use. The recently developed property that was mentioned earlier was zoned R-4, so the developer had an inherent right to build at a higher density. The other apartment building, which is also owned by the petitioner, was rezoned against the Comprehensive Plan recommendation and it is not consistent with this application.

Commission Questions: Mr. Wilson asked if the Burley Avenue area has a neighborhood association. Ms. Wade answered that the Burley Avenue neighborhood does not have a registered association. The staff sent one neighbor-

hood association notice in conjunction with this rezoning request, to the North Elizabeth Street Neighborhood Association.

Ms. Blanton stated that she was concerned about drainage and storm and sanitary sewer issues in the vicinity of the subject property. She asked what impact the proposed development would have on the surrounding neighborhood, given the increased density, including more bathrooms and paved parking area. Mr. Newman answered that that type of information is typically addressed with the improvement plans for a new subdivision. He said that the petitioner is proposing to utilize low-impact development and Best Management Practices, which could include pervious pavement and underground or off-site detention. Ms. Blanton asked if those things would be required in order for the petitioner to redevelop the subject property. Mr. Newman answered that, if this rezoning request is approved, the petitioner will submit improvement plans, including a drainage report, as the next step in the process. He noted that the subject property naturally drains to the vacant parcel at the rear.

Ms. Roche-Phillips stated that she would be willing to approve this request, and she believed that the proposed rezoning to R-1T is in agreement with the 2007 Comprehensive Plan as well as the Goals & Objectives of the 2012 Comp Plan. She said that the increase in density from 10 units to 14 units per acre is acceptable, particularly given the subject property's proximity to the railroad tracks and other student housing developments. Ms. Roche-Phillips explained that she believes that attached single-family housing is more sustainable and energy efficient than the existing detached residences, and has a lower carbon footprint. She was sympathetic with Ms. Daley's issues, and noted that she and other Planning Commission members have expressed concern in the past about the wholesale redevelopment of vacant lands for student housing, simply because the market exists for such development. Ms. Roche-Phillips said that in this instance, however, she believes, and other residents gave testimony that agrees, that the proposed development would be an improvement for the neighborhood in terms of safety. She added that Mr. Newman had addressed her previous concerns about the need for stormwater improvements on the development plan.

Mr. Penn stated that Mr. Anderson made some good points about locating the parking to the rear of the townhouse units in the proposed development, but he was still concerned about "turning over everything within walking distance of the University to student housing." He said that he is concerned about the success of converting the proposed development to single-family homes should it be no longer needed for student housing.

Mr. Penn noted that he owns property in the Burley Avenue area, and that, despite all of the recent redevelopment there, the railroad track is still a constant, and it affects stormwater drainage by holding and damming water. He added that the subject property might naturally drain to the vacant parcels to the rear; but, if those parcels are to be developed, eventually the issue will have to be properly addressed.

Mr. Cravens said that he would be willing to support this rezoning request, because townhouse units are the most compatible type of attached dwelling to construct in a single-family neighborhood. He added that cleaning up the streetscape by placing the parking area in the rear of the buildings and adding sidewalks would be an improvement to the area residents. Mr. Cravens noted that he is very familiar with the area, since his great-uncle built his first house on American Avenue in 1923.

Mr. Owens stated that he is not concerned about the density of the proposed development, since he believed that it will be an overall improvement for the neighborhood, but he agrees with Mr. Penn's concerns about stormwater drainage. He said that that issue must be addressed at the appropriate future plan stage.

Zoning Action: A motion was made by Ms. Roche-Phillips, seconded by Mr. Cravens, and carried 6-2 (Plumlee and Wilson opposed; Beatty, Berkley, and Brewer absent) to approve MAR 2012-9, for the following reasons:

1. The existing Single Family Residential (R-1D) zone is inappropriate and the proposed Townhouse Residential (R-1T) zone is appropriate, for the following reasons:
 - a. The proposed rezoning will allow this property to be developed at a density just under 14 units an acre, which is the density this neighborhood was designed for under the 1923 Plat of Lynn Grove Addition. All recent development in this area has been at a density equivalent to, or greater than the density proposed for this development. This development's proposed density is 13.88 units per net acre. A recent development in the 300 block of Burley Avenue is being constructed at a density of 16.9 units per acre. That development was approved this year by the Board of Adjustment and was facilitated by the closing of a public park so that attached townhouse units could be developed on that property.
 - b. Development of these properties as attached units, rather than detached, will allow a more urban form of development, which is appropriate for this area. The townhouse units will be placed closer to the street with the result that the residential units themselves, rather than automobiles, will be the visual focal point of the block. In addition, on-street and front yard parking has been an issue in this neighborhood. By attaching the units, this development will allow parking in the rear in a joint parking area. Thus, on-street and front yard parking problems will be relieved.

- c. R-1T zoning will serve as an appropriate transition between residential uses and the large Kentucky Utilities substation located directly across the property on the south side of Burley Avenue.
- d. This proposed development will allow student residents to walk or bicycle to campus, reducing the use of motorized transportation in the community.

Development Plan Action: A motion was made by Mr. Cravens, seconded by Ms. Roche-Phillips, and carried 8-0 (Beatty, Berkley, and Brewer absent) to approve ZDP 2012-31, with the eight conditions as included in the revised staff recommendation.