

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2014-8: BURLEY PARTNERS, LLC

DESCRIPTION

Zone Change: From a Single Family Residential (R-1D) zone
To a High Density Apartment (R-4) zone

Acreeage: 0.9 net (1.1 gross) acres

Location: 201 & 205 Burley Avenue; 1107, 1109 & 111 Stillwell Avenue

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	R-1D	Church & Single Family Residence
To North	R-1D, R-4 & B-4	Residential & Warehousing
To East	R-1D & R-4	Single Family Residential & Townhouses
To South	R-1D	Single-Family Residential
To West	R-1D & R-4	Single Family Residential & Vacant

URBAN SERVICES REPORT

Roads – Stillwell and Burley Avenues are both local streets in a neighborhood that is situated south and west of the arterial roadways of South Broadway (US 68) and Virginia Avenue. Burley Avenue intersects South Broadway to the northwest of the subject property, and terminates near the Norfolk-Southern railroad tracks to the southeast of this site. Burley and Stillwell Avenues are sub-standard local streets, built many decades ago before street standards were in effect, and improvements will be necessary along the subject property’s frontage. Access for this residential development is currently proposed from Stillwell Avenue only.

Curb/Gutter/Sidewalks – No urban improvements have been made along the subject property’s frontage along Burley and Stillwell Avenues. Other local streets in the vicinity are also lacking improvements due to the age of the subdivision, except where redevelopments have been undertaken. The north side of Simpson Avenue does have urban improvements, which were constructed with the development of several multi-family apartment and condominium projects. Curbing, gutters and sidewalks are typically required for existing public streets when redevelopment or new residential infill development occurs. This would also be appropriate at this location.

Storm Sewers – The subject property is located within the Wolf Run watershed. Currently, a regional detention basin exists on the University Village property (upstream of the subject property), which drains significant areas on the east side of the railroad, including a portion of the University of Kentucky campus. The subject property is downstream of this facility; thus, additional stormwater management may be required to occur on this site. Any improvements would be required to adequately contain storm water impacts created by the proposed redevelopment. Although the subject property has no known recent flooding problems, flooding has been documented by the Division of Water Quality along South Broadway, between Burley and Simpson Avenues.

Sanitary Sewers – The subject property is located in the Wolf Run sewershed and is served by the Town Branch Sewage Treatment Facility, located on Old Frankfort Pike, east of New Circle Road. Sanitary sewer lines in the area may need to be moved, replaced or repaired to ensure adequate sanitary sewer capacity for the proposed residential use of the subject property.

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.

Fire/Ambulance – 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 either reconfigured or improved to serve the proposed residential development on the subject property.

COMPREHENSIVE PLAN AND PROPOSED USE

Related to the proposed rezoning, the 2013 Comprehensive Plan Goals and Objectives recommend expanding housing choices (Theme A., Goal 1); supporting infill and redevelopment as a strategic component of growth, including compact and contiguous growth (Theme A., Goal 2 and Theme E., Goal 1b); providing for well-designed

neighborhoods and communities (Theme A., Goal 3); and improving a desirable community by working to achieve an effective and comprehensive transportation system (Theme D., Goal 1). *Chapter 7: Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land* of the 2013 Plan also addresses specific recommendations for Infill and Redevelopment within Lexington-Fayette County.

The applicant proposes redeveloping the subject property with a combination of single family townhouse and multi-family dwelling units, and associated off-street parking. The plan depicts 14 dwelling units, which represents a density of 15.55 dwelling units per net acre. Dimensional variances are requested in conjunction with the requested zone change for the subject property.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone for 0.9 acres of property located in the northern corner of the intersection of Burley and Stillwell Avenue intersection.

The subject property is currently the site of a small church and parish house owned by the Southside Baptist Church, and includes their associated off-street parking. The subject site is bounded by Burley Avenue to the southwest and Stillwell Avenue to the southeast. A townhouse development (R-4 zone) and warehouse (B-4 zone) border the property to the northwest, and four single-family residences are located to the northeast of the property along Simpson and Stillwell Avenues. A new neighborhood park is located directly across Burley Avenue from the subject property. Burley Avenue runs southeast from South Broadway, and terminates at the Norfolk-Southern Railroad. Stillwell Avenue is one of several cross streets within the Lynn Grove Addition subdivision that connect Simpson and Burley Avenues and allow for access through the neighborhood. The site is located within the Lynn Grove Addition subdivision, near the University Village apartments and Campus Downs Condominiums (along Export Street) and adjacent to the Burley Condominiums.

The petitioner proposes R-4 zoning for the five parcels that comprise the subject property in order to redevelop the site with townhouses and multi-family dwelling units, with off-street parking to the rear of the units. A total of 14 dwelling units are proposed, which would result a residential density of 15.55 dwelling units per net acre. The corollary development plan depicts one building with 4 townhouse units oriented toward Burley Avenue, and a second building of townhouse and apartments oriented toward Stillwell Avenue.

The applicant contends that the requested rezoning from R-1D to R-4 is both in agreement with the 2013 Comprehensive Plan, and appropriate at this location. Past Comprehensive Plans have generally recommended that this neighborhood remain residential at a density of 5-10 dwelling units per acre.

In reviewing the proposed rezoning and development in relation to the 2013 Comprehensive Plan, the staff found that several of the Goals and Objectives were furthered by the applicant's proposal to redevelop the subject property. A portion of the current church property was identified as vacant in the inventory conducted for the Comprehensive Plan (see Vacant Land Map).

The Goals and Objectives recommend expanding housing choices within the community (Theme A., Goal 1), and this development will provide two types of housing on one property, with single-family residences remaining in the immediate vicinity. The corollary development plan depicts the dwelling units as oriented to the public street, with on-site parking to the rear, substantially hidden from the street-view. Although the proposal is not as dense as other nearby redevelopment (Lynn Grove Addition, Riddell Plaza or University Village expansion), it is proposing to add residential units in a compact and contiguous form where none existed, thus supporting infill and redevelopment as a strategic component of growth within the community (Theme A., Goal 2 and Theme E., Goal 1b).

In designing the redevelopment, the applicant has attempted to respect the scale and character of the neighborhood by proposing primary entrances along the street, and buildings with a maximum of two stories and sloped roofs. *Chapter 7* of the 2013 Plan also addresses specific recommendations for Infill and Redevelopment within Lexington-Fayette County, including consideration of multi-modal transportation and open space (pg. 101), and respecting the context and character of a neighborhood (pg. 102). However, it is vitally important that the transportation needs of the neighborhood be adequately addressed with street improvements and sidewalks in order to achieve an effective and comprehensive transportation system, as recommended by Theme D., Goal 1, given the higher than average number of pedestrians and students residing in the neighborhood.

Lastly, the R-4 zone proposed is compatible with the adjacent R-4 zoning to both the northwest (Riddell Plaza) and east (Lynn Grove Addition). Taking into consideration recent zone changes in the neighborhood and gradual densification of the area, Burley Avenue appears to be the most logical physical boundary for land use separation of single family residential (to the southwest and toward American Avenue) and multi-family residential (to the northeast toward Virginia Avenue), which can preserve the lower density character of the area in the future.

The Staff Recommends: **Approval**, for the following reasons:

1. The requested High Density Apartment (R-4) zoning for the subject property is in agreement with the 2013 Comprehensive Plan's Goals and Objectives for the following reasons:
 - a. The Goals and Objectives recommend expanding housing choices within the community. This development will provide two types of housing on the subject property, with single-family residences remaining in the immediate vicinity (Theme A., Goal 1).
 - b. The Goals and Objectives support infill and redevelopment of a compact and contiguous nature as a strategy for community growth (Theme A., Goal 2 and Theme E., Goal 1b). The applicant is proposing to add 14 dwelling units, at a density of 15.55 dwelling unit per acre, where only one residence now exists. The proposed density is more compatible with the current redevelopment trend in this neighborhood.
 - c. The Goals and Objectives support improving a desirable community by working to achieve an effective and comprehensive transportation system (Theme D., Goal 1). The proposed development can provide pedestrian connections and street improvements in a neighborhood with a higher than average number of pedestrians and students.
 - d. *Chapter 7* of the 2013 Plan also addresses specific recommendations for Infill and Redevelopment within Lexington-Fayette County, including consideration of multi-modal transportation and open space (pg. 101), and respecting the context and character of a neighborhood (pg. 102). In designing the redevelopment, the applicant has attempted to respect the scale and character of the neighborhood by proposing primary entrances along the street, and buildings with a maximum of two stories and sloped roofs to address the goal of well-designed neighborhoods and communities (Theme A., Goal 3).
 - e. The Goals and Objectives of the 2013 Comprehensive Plan are supported by the applicant's requested rezoning and the requested R-4 zone is compatible with the adjacent zoning to both the northwest (Riddell Plaza) and the east (Lynn Grove Addition).
2. This recommendation is made subject to approval and certification of ZDP 2014-29: Lynn Grove Addition, Lots 8-17 (Burley Condominiums), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

TLW/BJR/WLS

3/28/2014

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