

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2013-14: HARRODS CLUB, LLC

DESCRIPTION

Zone Change: From a High Density Apartment (R-4) zone, with conditions
To a High Density Apartment (R-4) zone, with modified conditions

Acreeage: 0.978 net (1.108 gross) acres

Location: 1167 Appian Crossing Way

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-4	Vacant
To North	R-2 & R-3	Single-Family and Multi-Family Residential
To East	R-3	Residential Townhomes
To South	R-4	Residential Townhomes
To West	R-4	Residential Townhomes and Vacant

URBAN SERVICES REPORT

Roads - The subject property has frontage along both Appian Crossing Way and Jones Trail, located off of Appian Way, which is a collector street that connects Armstrong Mill Road to Tates Creek Road. Appian Crossing Way is built to full public street standards and provides access to Jones Trail, formerly Jonestown Lane, which is a very short, narrow road (approximately 12 feet in width) that serves only six other properties. Any needed improvements to existing local and collector streets would need to be provided by the developer, as part of the development of their property.

Curb/Gutter/Sidewalks - Curbs, gutters and sidewalks do not exist on Jones Trail, but are part of the cross-section of Appian Crossing Way. There is no sidewalk constructed along either frontage of the subject property. Any of these facilities that are required for the proposed development will be constructed by the developer.

Storm Sewers – The subject property is located within the West Hickman watershed. Storm sewers are available in the area, as the property is surrounded by residential development; however, additional construction of storm sewers will likely be required with the proposed development. A FEMA special flood hazard area associated with West Hickman Creek is located within 500 feet to the west of the subject property, but there are no known flooding problems associated with the subject property itself. Roadway flooding has been reported farther downstream near the intersection of Tates Creek Road and Wilson Downing Road.

Sanitary Sewers – The subject property is located within the West Hickman sewershed, and is served by the West Hickman Treatment Plant, located approximately three miles to the south in northeastern Jessamine County. Sanitary sewer improvements may be required in order to serve the proposed development.

Refuse - The property is served by the Urban County Government Division of Solid Waste, with collection provided on Fridays in this portion of the Urban Service Area.

Police - The nearest police station is the East Sector Roll Call Station, located on Centre Parkway, less than 1 mile to the northeast of the subject property.

Fire - There are two fire stations (#7 & #16) that are relatively close to the subject property. Fire Station #7, on Tates Creek Road, is located a little less than 2 miles to the northwest of the property; and Fire Station #16 is located on Man o' War Boulevard, approximately 1½ miles to the east of the property.

Utilities - All utilities, including natural gas, electric, water, telephone and cable television are available in the immediate area to serve the subject property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 9) recommends High Density Residential (HD) future land use for the subject property. The petitioner proposes to develop the property with 24 dwelling units in one multi-family residential building.

CASE REVIEW

The petitioner has requested removal of the existing conditional zoning restriction that was placed on this property when it was originally approved for a High Density Apartment (R-4) zone in 2006 by the Urban County Planning Commission, and later ratified by the Urban County Council.

The subject property is a vacant tract located at the northeast corner of Appian Crossing Way and Jones Trail. The one-acre parcel was rezoned in 2006 from a Two Family Residential (R-2) zone to the existing R-4 zone (*MAR 2006-34: Harrods Club, LLC*). At that time, the use of the property was restricted via conditional zoning to limit the density and type of residential development to 17 townhouse residential units. This restriction was put in place to “maintain a character consistent with surrounding residential properties.”

According to Article 6-7(c) of the Zoning Ordinance, when an appellant requests a modification or removal of a conditional zoning restriction, the Planning Commission must evaluate the request based upon whether there has been a major change of an economic, physical or social nature on the property or within the immediate vicinity which was not anticipated at the time the restriction was imposed. Thus, relevant factors for this site must have basis in the past seven years.

The appellant is proposing removing the conditional zoning restriction in order to construct a 24-unit apartment building, with a rental office. They are opining that the proposed density is now in substantial agreement with the 2007 Comprehensive Plan, particularly the land use element, which now recommends High Density Residential (HD) future land use for the subject property. The land use recommendation changed in the 2007 Plan based upon the successful zone change application in 2006. The subject property was previously recommended for Low Density Residential (LD) future land use in the 2001 Comprehensive Plan.

Additionally, the appellant states that an adjoining property owner was recently granted a zone change from R-2 to R-4, and they propose to construct two new apartment buildings in the immediate vicinity. These two proposed multi-family buildings, and the Forest Green Apartments (spanning both sides of Appian Crossing Way) area departure from the townhouse development that occupies other nearby properties. Therefore, the appellant opines that the character of the area is changing. In altering the type of residential development planned for the subject property, the appellant is increasing the number of units from 17 to 24, but plans to reduce the number of bedrooms from 51 to 30 bedrooms.

The appellant opines that the change should have a lower overall impact on the existing infrastructure, compared to the previous plans approved for the 17 townhomes.

The staff agrees with the applicant that there has been a significant change since the restriction was originally put in place in 2006, and that the lower density recommended at that time is no longer appropriate in this area given the other high density development either planned or recommended by the Comprehensive Plan in the immediate area since the restriction was originally imposed. Furthermore, the requested density will now be in agreement with the current Comprehensive Plan land use recommendation of High Density Residential land use (10-25 dwelling units per acre), because the applicant proposes a density of 24.54 dwelling units per net acre. It should be noted that with additional density in this area and the removal of an internal access easement, Jones Trail will need to be improved to accommodate greater vehicle traffic for the subject property and for other adjacent parcels. Lastly, removing the conditional zoning restriction will not adversely impact the surrounding area, and will continue to maintain a character consistent with surrounding residential properties, as proposed in 2006.

The Staff Recommends: Approval, for the following reasons:

1. The subject property is now recommended for High Density Residential (HD) future land use by the 2007 Comprehensive Plan, which is a significant change since the property was granted a zone change to R-4 and the conditional zoning restriction was imposed. Previously, the 2001 Comprehensive Plan recommended Low Density Residential (LD) future land use at this location. The applicant proposes a 24-unit apartment building, with a rental office, for a residential density of 24.54 dwelling units per acre.
2. Removal of the current conditional zoning restriction to the allowable number and type of residential units will allow a development more in character with the mixture of townhouses and apartments in this immediate area.

3. This recommendation is made subject to the approval and certification of ZDP 2013-57: Jones Subdivision 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/WLS

9/4/13

Planning Services/Staff Reports/MAR/2013/MAR 2013-14