

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**MAR 2014-20: BOARDMAN COMPANY, LLC**

**DESCRIPTION**

**Zone Change:** From a Professional Office (P-1) zone  
To a Planned Neighborhood Residential (R-3) zone

**Acreeage:** 0.53 net (0.845 gross) acres

**Location:** 232 Waller Avenue

**EXISTING ZONING & LAND USE**

| <b><u>Properties</u></b> | <b><u>Zoning</u></b> | <b><u>Existing Land Use</u></b>                  |
|--------------------------|----------------------|--|
| Subject Properties       | P-1                  | Professional Office and Multi-Family Residential |
| To North                 | R-2                  | Residential                                      |
| To East                  | R-2                  | Residential                                      |
| To South                 | R-1C                 | Single-Family Residential                        |
| To West                  | P-1                  | Norfolk-Southern Railroad & Professional Office  |

**URBAN SERVICES REPORT**

**Roads** – Waller Avenue is a minor arterial roadway that is part of a system that connects Versailles Road to Chinoe Road. It is a two-lane roadway with approximately 18,000 daily vehicle trips. The subject property is less than ½ mile from the signalized intersection of Nicholasville Road (US 27) and Waller Avenue. Two access points on Waller Avenue exist for the development, and no modifications are proposed.

**Curb/Gutter/Sidewalks** – Curb, gutter and sidewalks all exist along this portion of Waller Avenue, and no modifications are proposed.

**Storm Sewers** – The subject property is located within the Wolf Run watershed. Currently, a small detention basin exists at the front of the subject property, parallel to the right-of-way of Waller Avenue, to accommodate the site's stormwater. No FEMA special flood hazard area exists on the property or in its general vicinity.

**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. Since the use of the property is proposed for minor modification, the petitioner will need to secure Capacity Assurance Program approval prior to the final development plan being certified.

**Refuse** – The Urban County Government serves this residential area with refuse collection on Mondays; however, the property is currently served by a private service.

**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 west on Harrodsburg Road, near its intersection with Clays Mill Road.

**Utilities** – All utilities, including gas, electric, water, phone, and cable TV currently serve the building and could be reconfigured or improved to serve the higher density residential use of the subject property.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has helped make Lexington-Fayette County the Horse Capital of the World.

The applicant proposes rezoning the subject property to a Planned Neighborhood Residential (R-3) zone in order to allow residential use of the first floor of the existing three-story structure. The corollary development plan depicts 12 dwelling units, which represents a density of 22.64 dwelling units per net acre.

## **CASE REVIEW**

The petitioner has requested a zone change from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone for 0.53 acres of property located on the south side of Waller Avenue, immediately east of the Norfolk-Southern Railroad line.

The subject property is currently the site of a small office building with residential dwelling units on the second and third floors of the building, and associated off-street parking. The petitioner proposes renovating the first floor of the structure to accommodate an additional four dwelling units, for a total of 12 units, at a residential density of 22.64 units per acre. The subject site is bounded by Waller Avenue to the north, the Norfolk-Southern Railroad line to the west, and single-family or duplex residences to the south and east. It is less than ½ mile from the University of Kentucky campus.

The subject property was rezoned in 1964, but remains the only parcel on Waller Avenue on the east side of the railroad tracks with a non-commercial zoning category. The existing building was constructed in 2000 with the intention of utilizing the mixed-use provisions of the P-1 zone.

The petitioner has not cited agreement with the 2013 Comprehensive Plan as a justification for this zone change. Instead, the petitioner does contend that the proposed rezoning is consistent with the 2013 Comprehensive Plan's goals to expand housing choices, and to encourage redevelopment that is an efficient use of land inside the Urban Service Area boundary and compatible with established neighborhoods. The petitioner contends that the requested P-1 zone is inappropriate and the proposed R-3 zone is appropriate for the subject property. First, the property is surrounded by residential land uses of varying densities, and is the only non-residential zone on the east side of the Norfolk-Southern Railroad. Thus, the petitioner contends that the property would be more compatible if also residentially zoned. Additionally, the majority of the site is already being utilized for residential dwelling units, typically occupied by University of Kentucky students.

The building footprint and surface parking lot do not need to be modified to accommodate the change of use. Although the first floor was occupied for a number of years by a medical supply company for office and storage space, since the tenant vacated the property in the past year, the space has been difficult to lease due to the seemingly incompatible nature of office use and student housing in the same building and on the same lot. The railroad also acts a logical land use buffer between the professional services use on the west side of the tracks and the residential uses located on the east side of the tracks.

In reviewing the proposed rezoning, the staff agrees with the petitioner's justification.

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

1. The requested Planned Neighborhood Residential (R-3) zoning for the subject property is appropriate for the following reasons:
  - a. The property is surrounded by residential land uses of varying densities, and is the only non-residential zone on the east side of the Norfolk-Southern Railroad. The property would be more compatible with the surrounding zoning and uses if it were residentially zoned.
  - b. The majority of the subject property is being utilized for residential dwelling units, typically occupied by University of Kentucky students. The property is in close proximity to the University of Kentucky and can provide off-campus housing for students.
  - c. The building footprint and surface parking lot do not need to be modified to accommodate the change of use. Although the first floor was formerly occupied by a medical supply company for extra office and storage space, the first floor space has been difficult to lease due to the seemingly incompatible nature of office use and student housing in the same building and on the same lot.
  - d. The proposed rezoning is consistent with the 2013 Comprehensive Plan's goals to expand housing choices (Theme A, Goal #1), and encourage redevelopment that is an efficient use of land inside the Urban Service Area boundary and compatible with established neighborhoods (Theme E, Goal #1).
2. The existing Professional Office (P-1) zone is inappropriate because no other professional office zone or use exists along Waller Avenue, between the Norfolk-Southern Railroad tracks and Nicholasville Road. In addition, the railroad tracks serve as an appropriate buffer between residential land uses and professional office land uses.
3. This recommendation is made subject to approval and certification of ZDP 2014-93: Forest Park Subdivision, Block "E." (Boardman Company, LLC), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.