

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2015-11: LEX PROPERTIES, LLC

DESCRIPTION

Zone Change: From an Agricultural Urban (A-U) zone
To a Planned Neighborhood Residential (R-3) zone

Acreeage: 10.14 net and gross acres

Location: 3455 Saybrook Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-U	Vacant
To North	R-1C	Single Family Residential
To East	R-1C	Single Family Residential
To South	A-U & R-1C	Vacant & Single Family Residential
To West	R-1C	Single Family Residential

URBAN SERVICES REPORT

Roads – The subject property is located at the termination of Saybrook Road, a local street within the Robinwood and Monticello neighborhoods. Boston Road, Monticello Drive and Cromwell Drive are all collector streets within the vicinity of the subject property, that provide connections to Clays Mill Road (to the west) and Man o’ War Boulevard (to the south). The petitioner proposes the continuation of Saybrook Road and a standard cul-de-sac termination on the subject property. No other stub streets exist along the boundaries of this vacant tract.

Curb/Gutter/Sidewalks – Sidewalks, curbs and gutters exist along Saybrook Road, as well as along other local and collector streets in the immediate vicinity. The developer plans to construct similar improvements on the proposed roadway.

Storm Sewers – The subject property is located in the South Elkhorn Creek watershed. The South Elkhorn Creek traverses the property from the northeast corner toward the southwest, and approximately one-third of the property is within a FEMA designated Special Flood Hazard Area (aka 100-year floodplain). The FEMA Special Flood Hazard Area does isolate a small portion of the subject property that lies outside of the floodplain, along the eastern edge of the property. Storm sewers do cross the subject property; however, they are not utilized by the property itself. The developer will be required to provide stormwater improvements at the time the property is developed.

Sanitary Sewers – The subject property is located in the South Elkhorn sewershed and is served by the West Hickman Wastewater Treatment facility in northern Jessamine County. Both a collector main and a trunk main traverses the subject property. The developer will need to provide an extension of the sanitary sewers to serve individual lots as a part of the proposed residential development of the property. There is currently sanitary sewer capacity available in this sewershed, according to the latest Capacity Assurance Program information.

Refuse – The Urban County Government serves this portion of the Urban Service Area with refuse collection to residences on Mondays.

Police – The nearest police station is located on Centre Parkway at the East Sector Roll Call Center, about 3½ miles east of the subject property.

Fire/Ambulance – The nearest fire station (#15) is located about one mile to the northeast, inside Shillito Park, just south of West Reynolds Road.

Utilities – All utilities including natural gas, electric, water, cable television, telephone, and streetlights should be able to be extended to serve the subject property, as they have been provided to the surrounding residential developments in this area.

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 made Lexington-Fayette County the Horse Capital of the World.

The 2013 Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A) by expanding housing choices (Goal #1), supporting infill and redevelopment (Goal #2) and providing well-designed neighborhoods (Goal #3). It also recommends protecting the environment (Theme B) by supporting the community's green infrastructure program (Goal #3) and by implementing the adopted environmental policy (Goal #2.a.). Lastly, the Plan advocates for compact, contiguous and/or mixed-use sustainable infill development to accommodate future growth needs and sustain the Urban Service Area concept (Theme E, Goal #1.b.)

The petitioner proposes to develop 27 detached single-family on the site, which would yield a residential density of 2.66 dwelling units per acre.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone for 10.14 acres of property, which is located at 3455 Saybrook Road.

The subject property is located at the end of Saybrook Road, and is bordered by the Monticello and Robinwood subdivisions. These neighborhoods are generally located east of Clays Mills Road, south of Keithshire Way but north of Man o' War Boulevard in the southwest portion of the Urban County. The property is completely surrounded by single-family residential zoning (R-1C). A small tract of land immediately south of the subject property is vacant and owned by the LFUCG.

The petitioner is proposing to re-zone this site in order to develop 27 single-family residential lots, with a resulting density of 2.66 dwelling unit per acre. The property is traversed by the South Elkhorn Creek, and its associated floodplain, which occupies about one-third of the parcel.

The existing agricultural zoning on the property is the result of zoning decisions made in 1969 with the comprehensive rezoning of much of Fayette County. In 1964, the subject property was rezoned from a residential to a Heavy Industrial (I-2) zone to allow the development of the Monticello Wastewater Treatment Plant, a private sanitary sewer package plant that served the nearby neighborhoods in this portion of the county. In 1984, the LFUCG proceeded with a condemnation action in order to fully remove the private plant and connect the area to the available public sanitary sewer system. After its use as a sanitary sewer treatment plant, the 10-acre tract was utilized by the adjoining neighborhoods as a private park for a number of years (an informal arrangement with the property owner and LFUCG). In 1993, the government abandoned the park use and removed all recreational facilities from the park. In 1994, a zone change was requested (MAR 94-1: Ball Homes, Inc.) to develop 22 single-family residential lots on the subject site. Ultimately, the request was later withdrawn over a combination of environmental concerns and neighborhood opposition.

The 2013 Comprehensive Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A) by supporting infill and redevelopment (Goal #2) and providing well-designed neighborhoods (Goal #3). It also recommends protecting the environment (Theme B) by supporting the community's green infrastructure program (Goal #3) and by implementing the adopted environmental policy (Goal #2.a.). Lastly, the Plan also advocates that infill development be compact, contiguous and/or mixed-use to accommodate future growth needs and sustain the Urban Service Area concept (Theme E, Goal #1.b.). These themes, goals, and objectives speak directly to the review of new residential developments.

The petitioner contends that the request is in agreement with the Goals and Objectives of the 2013 Comprehensive Plan, and that the existing agricultural zoning is no longer appropriate and the proposed R-3 zone is appropriate at this location. The applicant contends that the A-U zone is no longer appropriate because the property is surrounded by a residential subdivision, is too small for a viable agricultural use (a floodplain restricts use of part of the property), and it has not been used for agricultural activities for over 40 years. They opine that the proposed R-3 zone is appropriate because it will allow construction of detached single-family homes which are comparable to or larger than the size of existing homes in the neighborhood, and that the proposed density is at or lower than the adjoining subdivision.

Although the petitioner is proposing a land use which is generally compatible with the surrounding neighborhood, the staff believes that an R-1D zone would be more appropriate in that it would provide lots that are more in character and similar in size to the adjoining neighborhood. The R-1D zone requires a minimum lot size of 6,000 square feet rather than the minimum of 2,500 square feet permitted in the R-3 zone. This compares to the R-1C zone

surrounding the subject property, which requires a minimum 8,000 square-foot lot size. The R-1D zone will allow a more consistent infill development for this parcel of land.

The petitioner's proposal to develop residential dwelling units on a piece of property that was formerly utilized as a sewer treatment package plant is of concern to the staff. With the knowledge that the previous development proposal was withdrawn after more detailed environmental assessments were conducted is troubling. A package treatment plant may have left heavy metals, lead or other contaminants in the soil on the subject property. The staff believes, after consultation with other government divisions, that a Phase 2 Environmental Assessment should be conducted prior to any development proposal being approved at this location. There needs to be some assurance that no environmental health risks are present at this site which could impact new residences.

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

1. The environmental suitability of the site for residential land use is questionable given its previous use for a private sanitary sewer treatment plant. Such plants, once removed, can leave contaminated soils or other potentially hazardous materials that would not be appropriate for a future residential land use. Additional environmental studies are recommended to provide assurance to the Urban County Government and the Planning Commission prior to making a recommendation to the Urban County Council.
2. The requested Planned Neighborhood Residential (R-3) zone is not the most compatible residential zone with the surrounding Monticello and Robinwood subdivisions. If the site can be found to be suitable for development from an environmental perspective, the staff believes that the Single Family Residential (R-1D) zone would be more appropriate for the subject property.

TLW/WLS

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