

STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00037: JASON L. JUSTICE

DESCRIPTION

Zone Change: From an Expansion Area Residential 2 (EAR-2) zone
To a Community Center (CC) zone

Acreage: 4.92 net (5.13 gross) acres

Location: 6800 Man o' War Boulevard (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	EAR-2	Agricultural
To North	EAR-2	Agricultural and Television Studio/Tower
To East	EAR-2	Agricultural
To South	EAR-1 & EAR-2	Residential
To West	A-R	Agricultural

URBAN SERVICES REPORT

Roads – The subject property is bounded to the northwest by Man o' War Boulevard (KY 1480), which transitions to a two-lane highway along the property frontage between Interstate 75 and Winchester Road (US 60). Man o' War Boulevard is a minor arterial roadway that is controlled and maintained by the Urban County Government. Roadway improvements and dedication of right-of-way along Man o' War Boulevard may be necessary to facilitate safe vehicular traffic in this portion of the Urban Service Area. The "park road" planned for Expansion Area 2a is located on the adjacent Blackford Property, south of the subject property. Felician Lane is a local street that is planned to continue through the proposed development and stub into the agricultural tract to the north. An entrance roadway, between the proposed businesses and assisted living facility, is also proposed near the existing farm access point. All local streets, private and public, are required to be constructed by the developer in accordance with the Engineering Manuals.

Curb/Gutter/Sidewalks – Man o' War Boulevard does not have curb, gutter or sidewalks presently. Such improvements should be considered in association with the proposed land use change. Felician Lane has been constructed with full curbs, gutters, and sidewalks, and other local streets will be required to have these same improvements throughout the proposed development.

Storm Sewers – This property lies within the North Elkhorn Creek watershed. The developer will be required to construct the storm sewer lines in this area. The overall storm water management system in this area will utilize the regional retention techniques designed for the Expansion Area - in compliance with the adopted LFUCG Engineering Manuals. The existing pond and drainage areas on the subject property are recommended for pond improvements and bank stabilization by the Expansion Area Stormwater Master Plan.

Sanitary Sewers – This property is located within the North Elkhorn sewershed, and will be served by the Town Branch Wastewater Treatment Facility on Lisle Industrial Road. The Expansion Area Master Plan planned a major trunk line through the Blackford Property to the southeast, and the developer will construct sanitary sewers to connect to the trunk line as development occurs.

Refuse – The Urban County Government services this area with refuse collection on Tuesdays. Supplemental refuse collection may be necessary for portions of the proposed development, including the businesses and the assisted living facility.

Police – The nearest police station is the Central Sector roll call center, located off Winchester Road near its interchange with New Circle Road, approximately 3½ miles to the northwest of the subject property.

Fire/Ambulance – The nearest fire station (#17) is located at the intersection of Winchester Road and Royster Road, approximately two miles to the east of the subject property. The Division of Fire and

Emergency Services also has plans for a new fire station in this portion of the Urban Services Area near the Hamburg area.

Utilities – Electric, phone, water, natural gas, cable television, and streetlights are available within the already developed portion of the Meadow Oaks subdivision and should be able to be extended to 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 made Lexington-Fayette County the Horse Capital of the World.

The subject property is located within the Expansion Area, more specifically Subarea 2a. The Expansion Area Master Plan recommends Expansion Area Residential 2 future land use for the subject property.

The petitioner proposes a retirement community development, with services and amenities, on approximately 37 acres of land, including a mixed-use area, independent living units (townhouses, villas and cottages of varying sizes), and an assisted living facility with 120 beds. The petitioner is requesting that five acres of the property be developed in a Community Center (CC) zone to provide services within the community, like restaurants, barber and beauty shops, retail sales establishments and medical offices. A total of 260 dwelling units are proposed within the boundary of the corollary development plan, for an overall density of 7.02 dwelling units per gross acre. A conditional use and variance are also requested in association with the zone change application.

CASE REVIEW

The petitioner has requested a zone change from an Expansion Area Residential 2 (EAR-2) zone to a Community Center (CC) zone for about five acres of property located along the east side of Man o' War Boulevard, between Winchester Road (US 60) and Blackford Parkway. The subject property is located within Expansion Area 2a, which is located between Winchester Road (north); the Urban Service Area boundary (east); the Brighton shared use trail (south); and Interstate 75 (west).

This portion of the Expansion Area is characterized by residential land use of varying types to the south in the Blackford Oaks and Glen Eagles subdivisions (EAR-1 and EAR-2 zoning), and agricultural land use, which is intended for residential development, to the north, east and west of the subject property. The WTVQ television studio and transmission towers are also located on the tract immediately to the north of the site.

Overall, the petitioner proposes a retirement community development, with services and amenities, on approximately 37 acres of land, including a mixed-use area, independent living units (townhouses, villas and cottages of varying sizes), and an assisted living facility with 120 beds. The petitioner is requesting that five acres of the property be developed in a Community Center (CC) zone to provide services and amenities within the retirement community. A total of 22 dwelling units are proposed to meet the required residential component of the CC zone. A conditional use and variance are also requested for property adjacent to the subject property, which is depicted on the corollary development plan filed in association with the zone change application.

The 2013 Comprehensive Plan establishes Themes, Goals and Objectives to further the vision for the future land use development of our community. However, the 1996 Expansion Area Master Plan remains in effect, as Article 23 of the Zoning Ordinance requires a finding that all new developments must comply with that plan, in order to be approved. In the case of the current rezoning request, the more detailed recommendations of the EAMP (Subarea 2a) must be reviewed.

Subarea 2a of the EAMP recommended a density of 316-696 dwelling units for the entire Meadow Oaks Property (148 acres) split between the EAR-1 and EAR-2 zoning categories, and more specifically, 14-29 dwelling units for land now requested for rezoning. The petitioner requested a zone change in 2001 in compliance with the Expansion Area Master Plan, and specifically requested approval of a maximum 676 dwelling units. The petitioner is not amending the total density of the Meadow Oaks development with the modification now proposed, but rather adding community center land uses to create a focal point and true community of place, as envisioned by the EAMP.

The EAMP future land use element contemplated that commercial, office and institutional uses be located in community centers which have form and function of a traditional village or town center (pg. 42), where individual uses are organized around public spaces and streets that are attractive and open to multiple modes of transportation. The EAMP also emphasizes that the key elements of a community of place are multi-purpose trips, reliance on alternative modes of transportation, calmed traffic and a mix of uses organized around places of public and private assembly. The Transition Area Overlay (TA) land use designation is implemented as an overlay zone and includes proposed uses such as civic, cultural and religious institutions adjacent to Community Center (CC) land uses as part of a unified plan of development within the Expansion Area. The CC and TA zones are intended to function together, and when an integrated plan for these two zones is accomplished by way of vehicular and pedestrian accessways and other community design features, then the density and height limits are allowed to comply with the less restrictive CC zone requirements.

Although the subject property is not one of the four locations originally designated for CC future land use by the EAMP, the staff agrees with the petitioner that the proposed development plan is in compliance with the principles of the Plan, and successfully accomplishes the concept of organizing a mixed-use area around a public space (cemetery), and creating a main street entrance for the development. In addition, the proposed density within the CC zone of 22 units falls within the existing allowed density of 3–6 dwelling units per gross acre in an EAR-2 zone (14–29 dwelling units for 5.13 gross acres).

The staff has concluded that the petitioner's plan meets the critical elements and principles of the EAMP, based on the following:

- 1) there is no density increase beyond levels originally proposed by the EAMP;
- 2) the "park road" (Blackford Parkway) will still serve as the area's collector street;
- 3) the proposed retirement community is organized around a community center or place; and
- 4) the proposed mixed-use center or neighborhood commercial is confined to a discrete node, with development that is screened, landscaped and oriented to the regional arterial roadway (Man o' War Boulevard).

Lastly, the petitioner opines that the requested rezoning is also supported by several Goals and Objectives of the 2013 Comprehensive Plan by expanding mixed-use development options and providing a continuum of housing options for seniors, all connected for various modes of transportation (Theme A, Goal #3), and by providing accessible community facilities (assisted living and healthcare) and services to meet the health, safety and quality of life need for the community (Theme D, Goal #2). For these reasons, the staff concludes that this is in agreement with the 2013 Comprehensive Plan, and the substantial compliance with the principles of the 1996 Expansion Area Master Plan.

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

1. The requested Community Center (CC) zone is in agreement with the 2013 Comprehensive Plan, and in substantial agreement with the more detailed recommendations of the 1996 Expansion Area Master Plan (EAMP), for the following reasons:
 - a. The 2013 Comprehensive Plan recommends providing well designed neighborhood and communities, and the petitioner is expanding mixed-use development options and providing a continuum of housing options for seniors, all connected for various modes of transportation (Theme A, Goal #3).

- b. The Plan further recommends providing accessible community facilities and services to meet the health, safety and quality of life need for the community, and the petitioner is assisted living and healthcare) (Theme D, Goal #2).
 - c. The proposed CC zone and its corollary development plan are in compliance with the principles of the EAMP, by successfully accomplishing the concept of organizing a mixed-use area around a public space (cemetery), and creating a main street entrance for the development.
 - d. The proposed density within the CC zone of 4.29 dwelling unit per gross acre (22 units) falls within the existing allowed density of 3–6 dwelling units per gross acre in an EAR-2 zone (14–29 dwelling units for 5.13 gross acres); therefore, no residential density will be lost through the amendment.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17- 00099: Meadow Oaks (Ashford Oaks Village)(Amd.), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of Planning Commission Approval.

TLW/dw

10/4/2017

Planning Services/Staff Reports/MAR/2017/PLN-MAR-17-00037.doc