

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2012-18: GIVENS INVESTMENTS, LTD

DESCRIPTION

Zone Change: From a Two Family Residential (R-2) zone
To a High Density Apartment (R-4) zone

Acreage: 0.0144 net (0.173 gross) acres

Location: 1577 Martha Court (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	R-2	Vacant
To North	R-2	Duplexes and Yates Elementary School
To East	R-1C & R-2	Single Family Residential
To South	R-4	Multi-Family Residential
To West	R-2	Yates Elementary School

URBAN SERVICES REPORT

Roads – Martha Court is a local street that terminates at the Fayette County Public Schools property for Yates Elementary School. Martha Court is located within the Dixie Plantation subdivision, and is accessible from Eastland Parkway, which is the main collector street within the neighborhood. Eastland Parkway is a loop collector street that intersects with New Circle Road (KY 4) to the southwest of the subject property, and Winchester Road (US 60) to the southeast of this location. Although right-of-way exists for the construction of a cul-de-sac along the frontage of the subject property, the petitioner proposes utilizing an existing access point for the existing apartment development.

Curb/Gutter/Sidewalks – Along the subject property’s frontage, no urban improvements have been constructed. However, curb, gutters and sidewalks have been constructed along both sides of the rest of Martha Court. Curbing, gutter and sidewalk improvements are typically required for existing public streets when redevelopment or new residential infill development occurs.

Storm Sewers – The subject property is located within the North Elkhorn watershed. Currently, a regional detention basin exists on the Yates Elementary School property, just to the north and west of the property. The petitioner does not depict any stormwater detention on the development plan for the property, but may be planning to utilize the adjoining off-site detention area. Any improvements will be required to adequately contain storm water impacts created by the proposed redevelopment, while not reducing the existing capacity and operation of the detention basin. The subject property has no known recent flooding problems, although a FEMA Special Flood Hazard Area associated with the Eastland Park tributary of the North Elkhorn Creek exists to the north, between Hisle Way and Chatsworth Drive.

Sanitary Sewers – The subject property is located in the North Elkhorn sewershed. The property is served by the West Hickman Sewage Treatment Facility, located in northern Jessamine County. The existing sanitary sewer lines in the area may need to be extended to serve this currently vacant subject property.

Refuse – The Urban County Government serves this residential area with refuse collection on Tuesdays.

Police – The subject property is located within the Division of Police’s East Sector; however, the closest police station is the Central Sector Roll Call Center, located approximately ¾ mile to the southwest off of Winchester Road, on Goodwin Drive.

Fire/Ambulance – The closest fire station (#2) is located less than one mile to the northwest on New Circle Road, near its intersection with Meadow Lane. A fire station (#27) is also planned for the area inside New Circle Road on Eastland Drive, near Murray Lane. No specific site or timeline has been established for this new fire station.

Utilities – All utilities, including gas, electric, water, phone, and cable TV currently serve the area and could be extended to serve the residential units proposed on the subject property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 8) recommends Greenspace/Open Space (GS) land use for the subject property. The applicant proposes developing 15 dwelling units in a multi-family residential structure, as an expansion of the adjoining apartment complex. A dimensional variance is also being requested with this zone change.

CASE REVIEW

The petitioner has requested a zone change from a Two Family Residential (R-2) zone to a High Density Apartment (R-4) zone for a small property at 1577 Martha Court, which is located on the north side of the street at the entrance to the Yates Elementary School property.

The subject property is bounded to the west by the elementary school property, to the north by several duplexes along Hisle Way, to the east by single family residences along Cantrill Drive, and to the south by the adjoining apartment complex, Northridge Apartments. The area is entirely residential in nature (R-1C, R-2 and R-4 zoning), with a mixture of residential types and densities. The subject property is currently split zoned with both R-4 and R-2 zoning.

The petitioner proposes R-4 zoning for the subject property in order to incorporate it into the adjoining Northridge Apartments, and intends to construct a new multi-family structure with 15 dwelling units. The corollary development plan depicts 88 dwelling units configured within 4 multi-family residential buildings, for an overall density of 40.84 dwelling units per net acre.

The petitioner is proposing residential development of the property in keeping with the residential development along both sides of Martha Court, north of Eastland Parkway. The subject property is the only R-2 zoned property that has frontage on the street. The petitioner contends that the existing R-2 zoning is inappropriate and the proposed R-4 zoning is appropriate.

The 2007 Comprehensive Plan (Sector 8) recommends Greenspace/Open Space (GS) land use for the subject property, and this recommendation appears to be in conjunction with a parcel on Hisle Way, as well as a 40-foot wide strip of land along the right-of-way of Hisle Way to Kilkenny Drive. This recommendation appears in the 1996 and 2001 Comprehensive Plans as well, and was perhaps designated as a buffer between residential and non-residential land uses. The Hisle Way and Martha Court parcels were originally part of what is now the school property, under the same ownership; but over time they were subdivided off. The Martha Court parcel has remained undeveloped for years.

Although the subject property is split zoned, R-4 zoning and multi-family residential land use are predominant along this local street. Additionally, the western side of the lot is adjacent to the Yates Elementary School property, and this area is a large detention basin, serving multiple properties. It is highly unlikely that this portion of the school lot will ever be sold for development because of the location of these stormwater improvements. Developing a duplex on the subject lot, while possible, would be out of character with the rest of the street. The proposed R-4 zoning will allow the lot to be logically incorporated into the Northridge Apartment development and be governed by a single, unified development plan. The petitioner currently provides affordable housing in close proximity to schools, employment opportunities, and access to public transportation; and they are proposing to designate a minimum of 24 dwelling units within the complex for elderly housing. Rezoning the property to R-4 will allow more affordable housing to be built, as the petitioner will continue with their current business model for this site, which will help to address the need for more elderly housing units and affordable housing units in Lexington. The Goals and Objectives of the 2007 Comprehensive Plan are supportive of infill and redevelopment in appropriate locations, as well as affordable housing, which are positive factors in favor of the proposed zone change. The Goals and Objectives of the 2012 Comprehensive Plan are similarly supportive of these concepts.

A separate staff report has been prepared to address the variance request associated with this zone change.

The Staff Recommends: Approval, for the following reason:

1. The existing Two Family Residential (R-2) zoning is inappropriate and the proposed R-4 zoning is appropriate for several reasons:
 - a. The zoning on the subject parcel is split between R-2 and R-4 zoning, and the subject property is the only R-2 zoned property with frontage on Martha Court. Developing a duplex on the lot, while possible, would be out of character with the rest of the street.
 - b. The proposed R-4 zoning is more compatible with the existing land uses and zoning along Martha Court. All other properties along Martha Court, north of Eastland Parkway, are zoned R-4, and have been developed with multi-family residential land uses.
 - c. The western property boundary is adjacent to the Yates Elementary School property, and this area of the school property is being used as a large detention basin that is serving multiple properties. Because of the stormwater improvements, it is highly unlikely that this portion of the school lot will ever be sold for development.

- d. The Northridge Apartments, located to the southeast are also zoned R-4 and the proposed re-zoning will allow for the subject property to be integrated into the apartment complex on a unified development plan.
 - e. The proposed rezoning to R-4 will allow infill development of 15 dwelling units of affordable housing in the area, which is supported by the 2007 Comprehensive Plan goals of creating strategies that enable and encourage appropriate infill and redevelopment of established developments and neighborhoods (Goal #8) and providing housing opportunities to meet the needs of all citizens (Goal #13). This rezoning and development is also supported by the 2012 Comprehensive Plan Goals and Objectives of planning for safe, affordable, and accessible housing to meet the needs of older and/or disadvantaged residents (Theme A.1.c.), and identifying areas of opportunity for infill, redevelopment, and adaptive reuse that respect the area's context and design features whenever possible (Theme A.2.a.).
2. This recommendation is made subject to approval and certification of ZDP 2012-109: Eastland Park, Unit 1-L, 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

1/9/2013

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