

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

**PLN-MAR-17-00038: WILLSTONE, LLC**

**DESCRIPTION**

**Zone Change:** From a Single Family Residential (R-1C) Zone  
To a Neighborhood Business (B-1) Zone

**Acreage:** 0.246 net (0.289 gross) acre

**Location:** 101 Dennis Drive

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	R-1C	Gravel Parking Lot
To North	R-1C, P-1 & B-1	Professional Offices & Restaurant
To East	B-1	Neighborhood Commercial
To South	P-1 & B-1	Child Care Center & Restaurant
To West	P-1	Child Care Center & Professional Offices

**URBAN SERVICES REPORT**

**Roads** – The subject property fronts along Dennis Drive, a local street that connects Nicholasville Road (US 27) to Regency Road. The property is situated about 200 feet to the west of the un-signalized intersection of Dennis Drive and Nicholasville Road. Nicholasville Road is a major arterial road, consisting of seven reversible lanes, which change to accommodate both morning and evening rush hour traffic in this vicinity. Regency Road is a collector street that generally runs parallel to the railroad, between Southland Drive and Moore Drive, west of Nicholasville Road. Access into the site is proposed from Dennis Drive, although access to an adjoining lot on Nicholasville Road is proposed to remain.

**Curb/Gutter/Sidewalks** – Curbs, gutters, and sidewalks exist along both sides of Dennis Drive.

**Storm Sewers** – The subject property is split between the Wolf Run and West Hickman Creek watersheds. Stormwater improvements do not currently exist on the subject property. Stormwater quality features will be required on-site, as well as connection to the stormwater sewers within the area in compliance with the Division of Engineering’s Stormwater Manual. No FEMA floodplain or major flooding problems exist on the site or in the immediate area.

**Sanitary Sewers** – The subject property is located in the Wolf Run sewershed, which is served by the Town Branch Wastewater Treatment Plant, located on Lisle Industrial Avenue, four miles to the northwest of the subject property. Sanitary sewer capacity will need to be verified prior to certification of the final development plan for any proposed change of land use at this location. Currently, the sanitary sewer bank has more than 15,000 gallons per day of available capacity.

**Refuse** – The Urban County Government serves this portion of the Urban Service Area with refuse collection on Mondays. Commercial developments frequently contract for supplemental refuse service.

**Police** – The nearest police station is located at the East Sector Roll Call Center on Centre Parkway in the Gainesway neighborhood, about 2½ miles to the southeast of the subject property.

**Fire/Ambulance** – The nearest fire station (#15) is located less than one mile southwest of the subject property, at the intersection of W. Reynolds Road and Shilito Park Drive.

**Utilities** – Utilities, including natural gas; electric; water; cable television; and telephone service are all available within the immediate area and can be extended to serve the site.

**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 Plan’s 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 petitioner proposes a rezoning to a Neighborhood Business (B-1) zone in order to construct a retail establishment, approximately 2,050 square feet in size, and associated off-street parking.

### **CASE REVIEW**

The petitioner has requested a zone change from a Single Family Residential (R-1C) zone to a Neighborhood Business (B-1) zone for one-quarter of an acre of property, located at 101 Dennis Drive.

The subject property is located on the north side of Dennis Drive, approximately 200 feet west of Nicholasville Road. The property is bounded to the south and east by commercial developments, to the west by a childcare center, and to the north by a parking lot associated with a fast food restaurant (still residentially zoned). Dennis Drive is characterized by a combination of professional offices, wholesale and warehouses establishments, and a church. Several properties, located within the Professional Office (P-1) zone, near Nicholasville Road are occupied by single-family residences that have been converted to general offices, medical offices or a childcare centers. The adjacent commercial development (Stone Square) at the intersection of Nicholasville Road is occupied by several small restaurants, a chiropractor, a cigar store, and a payday loan establishment.

The subject property is vacant, but customers of Stone Square have utilized the site for off-site parking for a number of years. The petitioner wishes to rezone the property so that it can be redeveloped in a fashion that is compatible with the adjoining Stone Square development and childcare center. In particular, the corollary development plan submitted in conjunction with this map amendment request depicts a small retail establishment of 2,050 square feet in size and seven off-street parking spaces.

The 2013 Comprehensive Plan no longer includes a parcel-based land use map; rather it encourages land use decisions to be made based upon small area plan recommendations, policy statements and the Goals and Objectives of the Plan. In this case, the petitioner does not contend that the request is in agreement with the Plan, but that the existing zoning is inappropriate and the proposed zoning is appropriate. Given the nature of the proposed change, and the context of the site, the staff agrees with this contention for several reasons.

The proposed use and zone are generally compatible with the B-1 and P-1 zoning that exists within the immediate area. There are no remaining residences along Dennis Drive and the subject property is the last residentially zoned lot along the street as well. The likelihood that the subject property would redevelop with a single-family residence, in conformity with the existing zoning, in such close proximity to Nicholasville Road seems remote, given the traffic volume along that corridor. The subject property itself has been utilized as a gravel parking lot for over 20 years. Other residentially zoned land in the vicinity is also generally awaiting future redevelopment or is already being utilized in a commercial manner (rear parking lot of the nearby KFC restaurant to the north of the site). Historic land use decisions and previously adopted Comprehensive Plans have collectively encouraged a higher intensity of land use and a commercial character for the area, to the point where the existing single-family residential zoning is no longer compatible or desirable in this location. Lastly, the proposed rezoning to B-1 will make the depth of commercial use from Nicholasville Road consistent in this area.

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

1. The proposed Neighborhood Business (B-1) zone is appropriate and the existing Single Family Residential (R-1C) zone is inappropriate, for the following reasons:
  - a. The proposed B-1 zone is compatible and consistent with the B-1 and P-1 zoning that exists within the immediate area.

- b. Existing residentially zoned land in this area is generally suited to a future commercial land use and is awaiting redevelopment. The subject property is the only residentially zoned lot remaining on Dennis Drive, but it has not been used for residential land use for more than 20 years.
  - c. Historic land use decisions and previously adopted Comprehensive Plans have collectively encouraged a higher intensity of land use and a commercial character for the area to the point where the existing single-family residential zoning is no longer compatible or desirable in this location.
  - d. The depth of commercial land use and zoning along the west side of Nicholasville Road is approximately 225 to 275 feet within the immediate area. The proposed rezoning would be consistent with the existing land use pattern in the area.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00104: Bella Vista Subdivision, Lot 6, 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/dw

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