

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

**MAR 2013-6: AU ASSOCIATES, INC.**

**DESCRIPTION**

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

**Acreage:** 4.09 net & gross acres

**Location:** A portion of 1060 Cross Keys Road

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	P-1	Mixed Use (Office & Residential)
To North	R-3	Residential
To East	R-3	Multi-Family Residential
To South	B-1/R-3	Neighborhood Commercial/Residential
To West	B-1	Neighborhood Commercial

**URBAN SERVICES REPORT**

**Roads** – Cross Keys Road, which bounds the subject property to the north, is a local street that contains mainly residential uses of varying densities. It intersects Alexandria Drive to the west and continues west to Parkers Mill Road. Maywick View Lane, portions of which are public and private, connects Cross Keys Road to the commercial development (Kroger and other commercial uses) to the south. Roadway improvements are not anticipated for along this private access easement along the frontage of the subject property.

**Curb/Gutter/Sidewalks** – Curbs, gutters and sidewalks exist along both sides of Cross Keys Road, but appear to be substandard. Maywick View Lane has curbs and gutters, but no sidewalks. It is unclear whether any improvements will be provided by the developer.

**Storm Sewers** – The subject property lies within, and is fairly central to, the Wolf Run watershed. Wolf Run Creek, and its associated floodplain, are between 400 and 500 feet to the east of the property. Flooding problems associated with the creek have been present in this area for several years -- so much so that residential structures have been removed to lessen the flooding impacts experienced by area residents. The development plan contains no graphic indication that storm water detention is or will be provided on site; however, there is a note stating that storm water management will comply with the LFUCG Division of Engineering Storm Water Manual. The developer will therefore need to address accordingly any existing issues on the property.

**Sanitary Sewers** – The subject property is in the Wolf Run sewershed. Sanitary sewers exist in the area, which is served by the Town Branch Wastewater Treatment Facility, located between Old Frankfort Pike and Leestown Road. Upgrades to the sewer system are proposed as part of the redevelopment of the subject property.

**Refuse** – The immediate area is served by the LFUCG with collection on Thursdays. Often businesses will contract for additional service with private refuse collection companies, if necessary. Although the proposed development of this portion of the property is residential, the remainder of the property is a mix of office and residential uses, and therefore may have supplemental trash pickup to what is already provided by the Urban County Government.

**Police** – The nearest police station is the West Sector Roll Call Center, located approximately two miles to the northeast of the subject property, on Old Frankfort Pike near New Circle Road.

**Fire/Ambulance** – The nearest fire station (#14) is located less than ¼ mile to the northwest of this site on Roanoke Road, just off of Alexandria Drive.

Utilities – Natural gas, telephone service, electric, water, streetlights, and cable television are all available to properties surrounding the subject property. It is indicated on the application that natural gas will not be provided to the property; but electric, water, phone service and cable will all be provided.

### **LAND USE PLAN AND PROPOSED USE**

The 2007 Comprehensive Plan recommends Semi-Public Facilities (SP) future land use for the subject property, recognizing its former use as the Cross Keys YWCA. The petitioner has requested a Planned Neighborhood Residential (R-3) zone in order to provide residential housing consistent with the density of the remainder of the subject property, as well as surrounding properties.

### **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 approximately four acres of property, located at 1060 Cross Keys Road.

The site is located on the south side of Cross Keys Road, just to the east of Alexandria Drive. To the southwest, along both sides of Alexandria Drive, is the Gardenside Shopping Center, which is zoned B-1 (Neighborhood Business); and to the north and east along Cross Keys Road is additional R-3 property with multi-family housing.

The subject property was rezoned in 1973 from R-3 (previously known as the Low Density Apartment zone) to the existing P-1 zone as part of a larger zone change for the YWCA facility. That zone change included the rest of the subject property, which has since been redeveloped with a mixed-use building that contains first floor professional offices with residential dwelling units above. The subject property is proposed to utilize access through the constructed first phase of the project, which is already completed. There is no proposed access to Maywick View Lane, primarily due to the grade change on the subject property, and the fact that it is a private access easement. The applicant is now proposing a zone change to the R-3 zone in order to construct an apartment complex for 72 one-bedroom dwelling units and 109 associated off-street parking spaces.

The 2007 Comprehensive Plan recommends Semi-Public Facilities (SP) future land use for the subject property in recognition of the longtime YWCA facility on the site, which was considered consistent with the P-1 zoning at the time of the 1973 zone change, since semi-public uses were permitted in the P-1 zone. The surrounding residential uses are recognized by the Plan for High Density Residential land use, defined as 10 to 25 dwelling units per net acre. The proposed R-3 zone cannot be found to be in agreement with the Land Use Element of the 2007 Comprehensive Plan.

With 72 dwelling units proposed, the applicant is proposing to develop the property at a density of 17.6 dwelling units per acre. Dwelling units are a permitted use in the P-1 zone for the second floor and above, if professional office uses are located on the first floor. Consequently, some amount of residential development would be allowed under the current P-1 zoning. However, the applicant does not believe such a mixed-use project would be feasible in this location, given the property's limited access and visibility. For this reason, the applicant believes the appropriateness of the existing and proposed zoning should be considered by the Planning Commission.

The applicant is now proposing residential development in order to develop the property with a land use that is compatible with the surrounding uses. The largest land uses in the immediate area are the Gardenside Shopping Center and James Lane Allen Elementary, both of which are highly compatible with the proposed high density residential. The first phase of this development was constructed with a mixed-use element along the frontage of the property on Cross Keys Road, but as noted above, the remainder of the property that is currently proposed for rezoning does not have adequate access to ensure that any future first floor professional office uses would be successful. Therefore, the proposed R-3 zone is more appropriate for the subject property than the existing P-1 zone.

Further, several Themes, Goals and Objectives of the 2012 Comprehensive Plan, which was recently adopted by the Urban County Council, are supportive of the applicant's request. The 2012 Comprehensive Plan's mission statement seeks to "provide flexible planning guidance;" for the community. Moreover, the proposed change in land use is supported by Theme A.1.b., which encourages housing near employment and commercial areas, as well as Theme A.2.a., which encourages identifying opportunities for appropriate infill that respect the area's context and design features. Thus, this request will be supported by adopted Themes, Goals and Objectives of the 2012 Comprehensive Plan

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

1. The requested Planned Neighborhood Residential (R-3) zoning is appropriate and the Professional Office (P-1) is now inappropriate for the rear portion of 1060 Cross Keys Road, for the following reasons:
  - a. Since dwelling units are a permitted use in the P-1 zone for the second floor and above (if professional office uses are proposed on the first floor), some level of residential use would be allowed under the current zoning. However, such a mixed-use project would not be feasible at this location, given the property's limited access and visibility.
  - b. The existing P-1 zone is not appropriate for the subject property because of the limited access to the property. Existing access to the property is from the first phase of the development. With no direct access to a public street, the site does not have adequate access to foster successful professional office uses.
  - c. The proposed R-3 zone and multi-family residential development are very compatible with the surrounding area. The largest non-residential land uses in the immediate area are James Lane Allen Elementary School and the Gardenside Shopping Center, both of which are highly compatible with the residential development proposed at this location.
  - d. The Plan recommends High Density Residential land use to the north and east of the subject property, defined at 10 to 25 dwelling units per net acre. In comparison, this development proposes 17.6 dwelling units per net acre.
2. The 2012 Comprehensive Plan's Themes, Goals and Objectives are supportive of the proposed zone change request. The Plan's mission statement seeks to "provide flexible planning guidance;" and the proposed change is supported by Theme A.1.b., which encourages housing near employment and commercial areas, as well as Theme A.2.a., which encourages identifying opportunities for appropriate infill that respects the area's context and design features.
3. This recommendation is made subject to the approval and certification of ZDP 2013-23: Gardenside Cabana Club (Parkside Development), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

CT/BJR/WLS

3/1/13

I:/Planning Services/Staff Reports/MAR/2013/MAR 2013-6.doc