

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-18-00025: WHITESBURG RE DEVELOPMENT CO., LTD (REVISED)

DESCRIPTION

Zone Change: From: Restricted Highway Service Business (B-3) zone
To: Planned Neighborhood Residential (R-3) zone

Acreage: 6.41 net (8.69 gross) acres

Location: 2679 Leestown Road (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-3 (CZ)	Vacant
To North	R-3, R-1E & P-1	Residential, Office and Proposed Church
To East	P-1 & I-1	Vacant, Warehouse
To South	P-1, I-1 & A-U	Office, Warehouse and Communications Substation
To West	R-1E & R-3	Residential and Greenway

URBAN SERVICES REPORT

Roads – The subject property is located along the east side of Leestown Road (US421), a minor arterial roadway, which was recently improved and widened to a four-lane highway. While the current address is located along Leestown Road, any future development will front on Ferndale Pass or Robinson Way, and will have an internal private roadway system. Ferndale Pass is a local street that intersects Citation Boulevard at a signalized intersection with Mercer Road. Citation Boulevard borders the southeastern side of the site and currently acts as a major collector street. Darenia Lane and Spring Valley Lane (local streets) approach the subject property from the north, and terminate at Ferndale Pass. Robinson Way, a local street, forms the western most edge of the property. Proposed access to the site is from Ferndale pass and Robinson Way.

Curb/Gutter/Sidewalks – Curbs, gutters, and sidewalks exist along Leestown Road, Citation Boulevard and Robinson Way. Portions of Ferndale Pass currently have curbs, gutters, and sidewalks, however the entirety of the frontage will need to be completed.

Storm Sewers – The subject property is located within the upper reaches of the Town Branch watershed. No FEMA floodplain or major flooding problems exist on the site or in the immediate area; however a tributary of the Bracktown Branch of the Town Branch Creek flows through the center of the site. With the rezoning of the subject property, the tributary is now proposed to be retained in its natural state.

Sanitary Sewers – The immediate area is currently served by sanitary sewers. The subject property is in the Town Branch sewershed and is served by the Town Branch Wastewater Treatment Facility. There are no known problems with the existing sanitary sewers in the immediate vicinity of the subject property or this general area. Sanitary sewer capacity will need to be verified prior to the issuance of building permits for the proposed increase of density at this location.

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

Police – The subject property is located within the West Sector. The nearest police station is located at on Old Frankfort Pike, approximately 2.75 miles to the southeast of the subject property.

Fire/Ambulance – The nearest fire station (#13) is located approximately 2.25 miles southeast of the subject property, located at on Leestown Road, near Forbes Road.

Utilities – Natural gas, telephone service, internet, electric, water, streetlights, and cable television are all available to the areas surrounding the subject property. All can easily be extended to serve the proposed development.

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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a rezoning to the Planned Neighborhood Residential (R-3) zone to construct ~~39~~ 41 townhouse dwelling units at a residential density of ~~6.1~~ 6.4 units per acre.

CASE REVIEW

The petitioner has requested a zone change from a restricted Highway Service Business (B-3) zone to a Planned Neighborhood Residential (R-3) zone for approximately 6.5 acres of vacant property, located along the east side of Leestown Road (US421). Leestown Road forms the southern boundary of the site and is a minor arterial roadway, which was recently improved and widened to a four-lane highway. The property is bordered on two sides by local roads, Robinson Way on the west, and Ferndale Pass on the North, and one major collector street, Citation Boulevard, on the east. While the current address is located along Leestown Road, future development is proposed to front on Ferndale Pass and Robinson Way. The development will contain an internal private roadway system to provide access to the townhouses.

The subject property is surrounded by various land uses and zoning. Residential zoning is located west and north of the subject property and includes Single Family Residential (R-1E) zoning and Planned Residential Neighborhood (R-3) zoning. Located to the north of the property there are also two large lots that are zoned Professional Office (P-1). The P-1 zoning is located along the eastern and southern edges of the site, with portions of the property bordering Light Industrial (I-1) zoning in the same areas. There is one parcel that is zoned Agricultural Urban (A-U) located to the south of the property, across Alexandria Drive, which is currently used as an AT&T telecommunications site. There is a clear separation of residential development and industrial development within the area. Residential development is largely found on the northwest side of Citation Boulevard and Alexandria Drive, with industrial development to the southeast. The southern portion of the property that is not seeking a zone change will remain in a Restricted Highway Service Business (B-3) zone.

The subject property, was rezoned in two phases over the course of the last 22 years. The majority of 2679 Leestown Road was rezoned from an Agricultural Urban (A-U) zone to Highway Service Business (B-3) zone in 1996, under a broader rezoning of approximately 30 acres that sought to increase the presence of retail and business operations available to the Masterson Station residential developments, and the availability of industrial space in the area. Both uses were recommended in the Land Use Element of the 1996 Comprehensive Plan. While the I-1 zoning was not a concern of the Planning staff, the use of the B-3 zone rather than either the Neighborhood Business (B-1) zone, or the then Planned Shopping Center (B-6P) zone was of concern. Either the B-1 or the B-6P zones would have been more neighborhood oriented compared to the B-3 zone. Staff found the uses permissible in the zone were outside the character of the neighborhood and suggested conditional zoning to be placed on the zoning. This conditional zoning was approved by the Planning Commission and the Urban County Council. They include:

Prohibitive Uses:

1. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
2. Cocktail lounges and nightclubs.
3. Car washing establishments, unless:
 - a. located more than 250 feet from any residential zone, and
 - b. surface water from such use shall not drain onto adjacent property or over a public sidewalk, and
 - c. adequate on site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
4. Motel or hotel.
5. Indoor amusements such as billiard or pool halls, dancing halls, skating rinks, or bowling alleys.
6. Kennel.
7. Drive-in restaurants, unless located more than 250 feet from any residential zone.
8. Taxidermy establishments.
9. Pawnshops.
10. Indoor and outdoor athletic facilities such as a field house, gymnasium, football stadium, tennis courts, soccer field or polo field, and baseball fields.
11. Amusement parks, fairgrounds, or horse racing track.
12. Outdoor theaters.
13. Outdoor recreational facilities including go-cart tracks, archery courts, skate-board and roller skating tracks, trampoline centers, rifle and other fire-arm ranges, swimming pools, water slides and other water related recreational facilities, and other similar uses.
14. Passenger transportation terminals.
15. Mining of non-metallic minerals.
16. Adult arcades, adult bookstores, adult video stores and massage parlors.

Prohibited Signs:

Signs not otherwise permitted in the Planned Shopping Center (B-6P) zone.

Landscaping Buffer:

The required landscaping buffer between the business and residential zone along the northwest property line shall consist of a continuous planting of evergreen trees 15' on-center (or less) and other materials as necessary to comply with Article 18 of the Zoning Ordinance.

A second rezoning of a portion of the subject property occurred in 2005. During this rezoning, the northwestern portion of the subject property was again part of a larger site that sought to rezone approximately 11 acres from an Agricultural Urban (A-U) zone, to a combination of Single Family Residential (R-1E), Planned Neighborhood Residential (R-3), and Highway Service Business (B-3) zones. Staff continued to be concerned with the uses allowed in the B-3 zone and restricted the zone with the same conditional zoning that was imposed in 1996.

Since the establishment of the restricted B-3 zone on 2679 Leestown, there have been various development plans that have been approved by the Planning Commission, and one subdivision plat, which created 2656 Leestown Road. Additionally, Abigail Way was created extending off of Robinson Way into the site to provide internal access for future development. Included in some of the most recent plans for the site were small strip shops located closest to Leestown Road, and a big box store along the rear of the parcel, where the current rezoning is proposed. Those development plans that included the big box store necessitated the covering of the tributary stream that runs west to east through the site. This resulted in complex engineering of the site and significant modifications to the natural environment of the area.

While commercial land uses have been slow to develop in the area, residential development has been very successful. This success has spurred other investments in the area, as well as the establishment of a shared-use trail system within the greenway across Robinson Way from the subject property. Furthermore,

the recent construction of the Houchens Grocery Store at 2656 Leestown may encourage greater commercial development to support the residents of Masterson Station and the surrounding area.

The petitioner opines that the zone change is consistent with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan because it supports maintaining the Urban Service Boundary, while increasing the density of housing. The petitioner indicates that the rezoning of the site will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Goal #1) and supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). The proposed development will provide a neighborhood which is connected for pedestrians and will utilize various modes of transportation (Theme A, Goal #3.b.). In addition, by incorporating residential into an area slated for commercial, the applicant is able to increase the density of the development, which will help to uphold the Urban Service Area concept (Theme E, Goal #1). This proposal also maximizes development on vacant land within the Urban Service Area and promote use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b). The staff concurs with the applicant's justification.

Additionally, while not mentioned by the applicant, this development also allows for the protection of natural resources and landscapes before development occurs (Theme B, Goal #3.b). By protecting and maintaining the stream that crosses the property, leaving it sunlit and in its natural state, the plan is supporting the natural environmental features of the area. The benefits of maintaining the stream in its natural state, include the propagation of native plants and animals, increased accommodation of stormwater drainage on the site, and enhanced natural features and open space for the nearby neighborhoods and new residents of the site. Lastly, the stream and its associated vegetative buffer will provide an appropriate land use buffer to the remaining B-3 zone.

The Staff Recommends: Approval, for the following reason:

1. The Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The R-3 zone allows for a mix of housing types and densities within the broader neighborhood (Theme A, Goal #1)
 - b. The Comprehensive Plan allows for the supporting infill and redevelopment (Theme A, Goal #1.b. and Goal #2), while increasing the density of the development, which will help to uphold the Urban Service Area concept (Theme E, Goal #1)
 - c. The proposal also maximizes development on vacant land within the Urban Service Area and promote use of underutilized or vacant land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b)
 - d. The plan provides a neighborhood which is connected for pedestrians and various modes of transportation, through the connections of sidewalks, bike paths, and the use of trail systems (Theme A, Goal #3.b.)
 - e. The plan allow for the protection of natural resources and landscapes before development occurs by protecting the stream that crosses the property (Theme B, Goal #3.b). The open space associated with the stream will also enhance the quality of the proposed residential development and provide a land use buffer to the remaining B-3 zone
2. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00091: Masterson Station Center (Citation Village)(AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

HBB/TLW

10/30/2018

Planning Services/Staff Reports/MAR/2018/PLN-MAR-18-00025.doc