

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2014-13: A & M HAMBURG, LLC

DESCRIPTION

Zone Change: From an Expansion Area Residential-3 with a Transition Area Overlay (EAR-3/TA) zone
To a Community Center (CC) zone

Acreeage: 14.82 net (16.49 gross) acres

Location: 2500 Polo Club Boulevard (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	EAR-3/TA	Vacant
To North	ED, EAR-3	Agricultural
To East	EAR-3	Agricultural
To South	CC	Big Box Retail and Gas Station
To West	ED	Agricultural

URBAN SERVICES REPORT

Roads – The subject property is bounded to the east by Polo Club Boulevard, a four-lane boulevard that connects Winchester Road (US 60) to Man O’ War Boulevard (KY 1480) within the immediate vicinity. Winchester Road and Man O’ War Boulevard also provide the two nearest interchanges to Interstate 75, which is situated approximately 500 feet to the southwest of the subject property. Both of these roads narrow to a two-lane highway as they proceed east from their interchanges with I-75. Polo Club Boulevard was planned with the Expansion Area Master Plan to serve as a collector street for land designated for commercial/industrial, residential, and parks/conservation. One new local street, Fitzgerald Court, has been constructed to the southeast of the subject property to serve the adjoining commercial area. Access to the subject property will be from Polo Club Boulevard and/or Fitzgerald Court.

Curb/Gutter/Sidewalks – Polo Club Boulevard and Fitzgerald Court have both been constructed with curb, gutter and sidewalks.

Storm Sewers – A regional stormwater basin has been constructed to the northeast of the subject property within the parks/conservation land adjacent to Polo Club Boulevard. The existing greenway, located between the Baptist Hospital property and the subject property, also serves to provide green infrastructure for the land situated along the west side of the boulevard. The adequacy of the recently constructed regional detention basin will need to be verified with the Division of Engineering if the proposed land use change is approved, and its development proceeds.

Sanitary Sewers – Sanitary Sewers have been constructed along Polo Club Boulevard; and the North Elkhorn pump station, as recommended in the Expansion Area Master Plan, was recently constructed and became operational last year on the north side of Winchester Road to serve Expansion Area 2a. The North Elkhorn Pump Station bank of the Capacity Assurance Program currently shows a deficit. However, the subject property has been grandfathered as part of the previous zone change and development plan, and there is currently a balance of untapped capacity associated with the previous plan of 27,125 GPD.

Refuse – Refuse collection to residential properties is provided by the Urban County Government to this region of the Urban Service Area on Tuesdays. Commercial uses often contract for more frequent service, as necessary.

Police – The nearest police station to this location is the Central Sector Roll Call Center on Industry Road, near the interchange of Winchester Road with New Circle Road, about 3 miles to the northwest.

Fire/Ambulance – The subject property is located nearest Fire Station #21, on Mapleleaf Drive, south of Man O' War Boulevard, approximately 2 miles to the southwest. In addition, a new fire station is planned for the Hamburg area near the intersection of Winchester Road and Man O' War Boulevard, but a site has not been identified yet. This proposed fire station would most likely be less than one mile from the site once it is constructed and operational.

Utilities – All utilities, including electric, gas, water, telephone, and cable are available in the immediate area. All utilities should be easily extended into the subject property. Streetlights are also expected to be provided when the property develops.

COMPREHENSIVE PLAN AND PROPOSED USE

The adopted Expansion Area Master Plan (Expansion Area 2a) recommends Expansion Area Residential-3 (EAR-3) future land use, which is defined as 6-18 dwelling units per gross acre (and up to 24 dwelling units per gross acre with transferable development rights) for the subject property.

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. In addition, the Plan encourages a mixture 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 Community Center (CC) zone in order to expand the existing CC zoning and development on western side of Polo Club Boulevard, which will permit additional commercial land uses, such as restaurants, retail establishments and offices. A companion text amendment has also been filed by the petitioner, which hopes to expand the size limitations of the CC zone.

CASE REVIEW

The petitioner has requested a zone change from an Expansion Area Residential-3 with a Transition Area Overlay (EAR-3/TA) zone to a Community Center (CC) zone for about 15 acres of land located along the west side of the Hamburg Farm, east of Interstate 75.

The subject property is part of a larger parcel located between Man O' War Boulevard, Polo Club Boulevard, Interstate 75 and Winchester Road, and is within the Hamburg East development. The larger parcel has frontage along Polo Club Boulevard, Fitzgerald Court (a new cul-de-sac to the south), and the interstate; however, the portion being requested for rezoning (slightly less than half of the tract) solely fronts on Polo Club Boulevard.

An existing Community Center zone exists to the immediate south and is partially developed with a Costco Wholesale store and gas station. No other development exists within the Hamburg East area, as of yet, but the Central Baptist Hospital campus is proposed to be located directly north of the subject property, across the greenway and also on the west side of Polo Club Boulevard. The Gleneagles subdivision and community center area is located south of Man O' War Boulevard in this vicinity, and the Hamburg Pavilion (shopping center) area is located west of the interstate in the immediate area.

The petitioner proposes an expansion of the existing Community Center (CC) zoning in order to develop a big box retail establishment (Cabela's sporting goods store), a mixed-use building, and several outlots with commercial or civic land uses. A total of 161,400 square feet of non-residential development, and 222,040 square feet of residential development (150 dwelling units) is proposed on the larger tract. This is in addition to the previously approved square footage for the Costco Wholesale store, a gas station, and 2 outlots (171,657 square feet). The current text of the Zoning Ordinance does not permit a second large retail establishment, unless it is a grocery store; however, a companion text amendment has been filed by the petitioner, with the hope of modifying the special provisions section of Article 23A-9.

In July 1996, the subject property was added to the Urban Service Area, through adoption of the Expansion Area Master Plan (EAMP) by the Planning Commission. Following the adoption of the Plan, text amendments to the Zoning Ordinance and Land Subdivision Regulations were adopted to ensure that development would comply with the EAMP. The Expansion Area Master Plan effort was undertaken for several years, with much community debate, before finally being adopted in order to bring 5,400 acres of property into the Urban Service Area. The purpose of this planning effort was to ensure a more orderly transition from agricultural to urban land uses, which is consistent with past planning efforts of the Planning Commission.

The 2013 Comprehensive Plan focuses on more general land use policies, such as land use compatibility, well-designed neighborhoods, improving a desirable community, and making the best use of land inside the Urban Service Boundary for the protection of the surrounding rural areas.

This site is located within Expansion Area 2a of the EAMP, which is one of the five areas designated in 1996 for future urban growth. In 2009, the subject property was part of a larger rezoning from an Agricultural-Rural (A-R) zone to the existing EAR-3/TA designation. The zone change that was approved in 2009 was contrary to the original land use plan adopted for Expansion Area 2a in that it switched the location of the CC zoning and its correlated EAR-3/TA overlay zoning to the west side of Polo Club Boulevard and the EAR-3 zoning to the east side. This land use change generally maintained the acreages as proposed in the Expansion Area, but located the higher intensity land uses closer to the interstate interchange in order to create a logical transition from the highly visible and trafficked interstate corridor. In order to maintain acreages similar to those recommended in the EAMP, the EAR-3/TA overlay zone (now being requested for change) was applied to the west side of Polo Club Boulevard.

The 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 land uses as part of a unified plan of development within the Expansion Area. Development in the TA land use area was recommended to complement the adjacent residential (EAR-3) and commercial (CC) areas. Within the EAMP, the TA land use is always located between a residential land use and the community center land use. With the zone change swap, those planned land use relationships are no longer present. In fact, the proposed rezoning is exactly as the petitioner had originally proposed in 2009, although it was eventually approved by the Planning Commission and Council with the EAR-3/TA overlay zone. The proposal at that time was for the CC zone to extend from Man O' War Boulevard to the greenway and to include 52.3 acres of land, which was 14.8 acres greater than the 37.5 acres recommended by the EAMP.

Since the zone change was approved in 2009, and a subsequent text amendment to permit one retail establishment larger than 50,000 square feet, the appropriateness of the location of the EAR-3/TA overlay zone is being further questioned. Situated between the Costco Wholesale store (CC zone) and a greenway that is shared with a planned regional hospital campus (ED zone), the petitioner opines that the EAR-3/TA overlay zone and its relationship with the surrounding zones is now inconsistent with what was planned for in the EAMP. The TA overlay zone is intended to be a transition between a more intense zone and a less intense residential zone, but in fact now is itself the less intense zone between the two most intense zones permitted in the Expansion Area.

In addition, the petitioner opines that the proposed CC zone will still allow for the mix of uses anticipated in both the CC and TA zones, including civic and community uses, churches, nursing homes, schools and child care establishments, and residential uses. Expanding the CC zone will also allow for the required residential component (40% of the gross floor area within the CC zone) to be more appropriately located along the greenway, rather than adjacent to the interstate corridor as currently approved. In this case, reducing the overall residential density and allowance for cultural, civic and religious institutions on the west side of Polo Club Boulevard may make way for a better designed shopping center and land use relationships. The staff hopes that the complete "community of place" will be developed on the east side of Polo Club Boulevard with an easy connection to the shopping center that will inevitably serve the neighborhood and beyond. The EAMP identifies Transition Areas as complementary to Community

Center areas and an important element of development in the Expansion Area to serve the needs of its planned residents, so this zone change can be considered a loss to the yet to be built neighborhood to the east. With the proposed change, the density of the EAR-3 zoned land on the east side of Polo Club Boulevard is of great concern to the staff, since the Expansion Area continues to be developed at a lower density than planned.

In reviewing the application, the staff acknowledges that large retail establishments do contribute employment opportunities to the community (over 200 jobs are anticipated for the Cabela's store alone); the proposed land use enhances and is more compatible with the surrounding land uses; the proposed land use will not impair environmental conditions of the site; the existing utility and transportation networks can accommodate the proposed land use category; and the proposed development will provide for a more appropriate mix of land uses than previously planned. These basic assessments are consistent with the land use policies of the 2013 Comprehensive Plan.

The staff would note that the corollary development plan does not meet the requirements of the current CC zone text, but rather the proposed CC zone amendment that the petitioner has submitted. This may be a timing issue, as the Planning Commission cannot approve a Final Development Plan contingent on a text amendment being approved by the Urban County Council.

The Staff Recommends: Approval, for the following reasons:

1. The requested Community Center (CC) zone is appropriate, and the existing Expansion Area Residential-3 with a Transition Area Overlay (EAR-3/TA) zone is inappropriate, for the following reasons:
 - a. As currently configured, the EAR-3/TA overlay zone is located between a Community Center (CC) zone and an Economic Development (ED) zone, which is inconsistent with what was originally planned for in the EAMP in 1996. The land use relationship desired by utilizing the TA overlay, creating a sense of place that transitions from a more intense zone to a less intense zone, cannot be accomplished when located between two more intense zoning categories.
 - b. The proposed CC zone will still allow for the mix of uses anticipated in both the CC and TA zones, including civic and community uses, churches, nursing homes, schools and child care establishments, and residential uses.
 - c. Expanding the CC zone at this location will allow for the required residential component (40% of the gross floor area within the CC zone) to be more appropriately located along the greenway, rather than adjacent to the interstate corridor as currently approved.
 - d. Several basic elements of the proposed land use change are consistent with the land use policies of the 2013 Comprehensive Plan. It is acknowledged that large retail establishments do contribute employment opportunities to the community (over 200 jobs are anticipated for the Cabela's store alone); the proposed land use enhances and is more compatible with the surrounding land uses; the proposed land use will not impair environmental conditions of the site; the existing utility and transportation networks can accommodate the proposed land use category; and the proposed development will provide for a more appropriate mix of land uses than previously planned.
2. This recommendation is made subject to approval and certification of ZDP 2014-68: Hamburg East, Lot 2 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

8/7/2014

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