

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2013-12: URBAN COUNTY PLANNING COMMISSION

DESCRIPTION

Zone Change:

<u>REQUEST</u>		<u>ACREAGE</u>	
<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
R-3	R-1T	0.31	0.42
I-1	R-3	<u>1.57</u>	<u>1.64</u>
TOTAL		1.88	2.06

Location: 835, 836, 848, 849 and 856 De Roode Street; and former Railroad right-of-way (which contains a portion of the project noise barrier wall constructed as part of the Newtown Pike Extension)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-3 & I-1	Vacant (developing) & Noise Barrier Wall
To North	R-1D, R-1T, R-3 & I-1	Residential & Commercial
To East	R-1T, R-3, R-4, B-3, & I-1	Residential & Commercial
To South	R-3 & I-1	Residential & Commercial
To West	R-4, R-5, I-1 & I-2	Residential, Industrial & Railroad Yard

URBAN SERVICES REPORT

Roads – The Southend Park area is generally bounded by West High Street (US 60) to the north, Combs and Pine Streets to the east, Patterson Street to the south, and the Norfolk-Southern Railroad to the west. West High Street is an elevated bridge over De Roode Street and the Norfolk-Southern Railroad at this location. The Norfolk-Southern Railroad, an active rail line, skirts the downtown area. Although West High Street is a five-lane highway that handles two-way traffic at this location, to the east of this area it splits and becomes the High Street/Maxwell Street one-way pair through downtown. Combs, Pine and Patterson Streets are all local streets that are sub-standard due to their age. Other local streets within the Southend Park redevelopment area include: Byars Street, De Roode Street, Deshort Circle, McKinley Street, Merino Street, and Neville Street. Whitmer Way, a temporary road, was established within the park area to serve the residents of the temporary housing. As part of the Newtown Pike Extension project, De Roode Street is being re-directed; other existing public street rights-of-way within the subject area will be closed by the Urban County Council, and new public streets and alleys will be dedicated to the LFUCG. Newtown Pike Extended is planned to border the subject area to the east, generally along the Combs Street right-of-way (a former railroad line).

Curb/Gutter/Sidewalks – Curbs, gutters and sidewalks are lacking throughout much of the interior of the Southend Park area; however, these improvements are built along West High Street, parts of Pine Street and parts of Merino Street along the fringe of the subject area. Curb, gutter and sidewalk improvements are planned to be constructed at the time of redevelopment of the Southend Park in accordance with the Land Subdivision Regulations.

Storm Sewers – The Southend Park area is located within the Town Branch watershed. A tributary to Town Branch Creek crosses the area, although within a box culvert underground. Approximately 1,170 acres of property within the central portion of Lexington-Fayette County drain through this area to the Town Branch Creek. Storm sewers are existing on the subject property, and are in the process of being upgraded to serve the proposed redevelopment, and improve service to the larger watershed area. There have been flooding and drainage problems in this area historically, which should be corrected at the time of redevelopment.

Sanitary Sewers – Three sanitary sewer trunk lines currently run through the Southend Park area, which is located within the Town Branch sewershed and served by the Town Branch Wastewater Treatment Facility. Sanitary sewer service to this area is in the process of being upgraded, in accordance with the LFUCG Consent Decree, to provide better and more efficient service.

Refuse – Residences in this area are served by the Urban County Government, with collection days currently scheduled on Mondays. Refuse collection will continue for the redeveloped area, once it is completed.

Police – The Southend Park area is located within the West Sector, although the nearest police station is the main headquarters, located on East Main Street, approximately 1¼ miles to the southeast of this location.

Fire/Ambulance – The Southend Park area is served by Fire Station #6, located approximately ½ mile to the southeast, at the intersection of South Limestone and Scott Streets. Fire Station #3 is located in close proximity to the subject area (about two blocks to the east), at the intersection of Merino Street and West Maxwell Street.

Utilities – All private utilities, including cable television, electric service, telephone, and water service are currently supplied to this area, and are expected to continue to be available to serve the subject area once redeveloped.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan, which incorporated the Newtown Pike Extension Corridor Plan, recommends a combination of High Density Residential (HD), Mixed Use (MU), Public Recreation (PR), and Other Public Uses (OPU) future land use for the entire Southend Park area. Specific to the portions of the property that are currently proposed for re-zoning are High Density Residential and Circulation (CIR) (having formerly been right-of-way for the Norfolk-Southern Railroad). The configuration of these future land uses, as depicted by the Comprehensive Plan, is based on the more detailed *Southend Park Urban Village Plan*, approved by the Planning Commission in November 2003. Several variances, as well as a waiver to the Subdivision Regulations, are also requested as part of this zone change request.

CASE REVIEW

The Planning Commission has initiated a zone change request from a Light Industrial (I-1) zone to a Planned Neighborhood Residential (R-3) zone and from a Planned Neighborhood Residential (R-3) zone to a Townhouse Residential (R-1T) zone.

The Urban County Government, in association with the Kentucky Transportation Cabinet and the Federal Highway Administration, is implementing the *Southend Park Urban Village Plan*, approved by the Planning Commission in November 2003. That Plan calls for new housing in the Davis Bottom and Irishtown areas north of McKinley Street and south of the High Street Viaduct. To that end, the Planning Commission rezoned much of this area from industrial to residential more than five years ago. Another zone change is contemplated in the future to the south of McKinley Street, when the project advances southward in the next few years.

Physical redevelopment is well underway in the Southend Park area north of McKinley Street, generally located between two railroad rights-of-way, one of which was abandoned years ago, and is intended to serve as the location of the Newtown Pike extension upon its construction. The Transportation Cabinet has acquired much of the property in this area, and has obtained a "right of entry" for the remainder, in order to begin the redevelopment. It is hoped that some of the housing construction, for about two dozen dwelling units (most of which are single family detached) can begin in this calendar year.

This zone change has been requested, and recently initiated by the Commission, because the Transportation Cabinet has acquired some of the former Norfolk-Southern railroad right-of-way. This was negotiated between the parties as part of the terms for the construction of a sizeable noise barrier wall adjacent to the railroad yard located immediately west of Southend Park. In the original design for the Southend Park housing, the wall was to be located well east of the rail yard, but has since been constructed about 60' from the nearest set of tracks. The railroad required that the land between the wall and the housing project be purchased, rather than located on an easement on their property. The zone change to R-3 is intended not only to rezone the newly acquired land, but also to accommodate the shifting of the alley that separates the new Southend Park housing from the slope leading up to the noise barrier wall. Eliminating the split-zoning for the newly acquired parcel will simplify issues for future residents of Southend Park.

The requested zone change from R-3 to R-1T is more technical in nature, and is an attempt to avoid the elimination of two residential dwelling units. When the noise barrier shifted in its location, some of the planned dwelling units were eliminated from the project. Six duplex units were originally planned for the area. The proposed duplexes needed to shift from the southern end of the project (closer to McKinley Street) to the northern end (closer to High Street). When this was done, the duplexes were moved from an area where they were planned for lots that met the 7,500 square-foot minimum for duplexes in the R-3 zone, to lots which did not. As a result, two-unit townhouses are now planned for the northern end of the project, near planned four-plexes and single family detached homes, in an R-1T zone.

It should be noted that the Community Land Trust (CLT) will own and manage six of the residential structures, including the attached townhouse units. After some consideration, the CLT decided that it would be better to group their six structures together, which also prompted this zone change.

The 2007 Comprehensive Plan recommends Circulation (CIR) land use for the area that was formerly owned as right-of-way by the Norfolk-Southern Railroad. The creation of the noise barrier has created a far superior land use boundary than the previous property line, relied upon at the time of the Newtown Pike Extension Corridor Plan and the 2007 Comprehensive Plan. Thus, the requested R-3 zone is much more appropriate than the existing I-1 zoning west of this new site improvement. There are no dwelling units proposed on this portion of the subject property, so there is no violation of the Plan with this open space land use.

The 2007 Plan recommends High Density Residential (HD) land use for the western-most portion of the subject property along De Roode Street. The proposal for four dwelling units on this 0.42-gross acre location would yield a

density of 9.52 dwelling units/acre. This zone change is in agreement with the Plan's more detailed land use recommendation for that portion of the subject property.

All in all, this is a modest zone change request for a much larger project, which alone, will not result in any change to the previous planning efforts for the detailed *Southend Park Urban Village Plan*, or to the Newtown Pike Extension Corridor Plan, which preceded it.

The Staff Recommends: Approval, for the following reasons:

1. The rezoning from a Planned Neighborhood Residential (R-3) zone to a Townhouse Residential (R-1T) zone is in agreement with the 2007 Comprehensive Plan for the following reasons:
 - a. The Plan recommends High Density Residential land use for this portion of the subject property, which is defined as 10-25 dwelling units per net acre; or where net area does not equal gross acreage, 6-20 dwelling units per gross acre.
 - b. The four dwelling units proposed for this 0.42-gross acre location (0.31 net) would yield a density of 9.52 units per gross acres.
2. The requested Planned Neighborhood Residential (R-3) zone is appropriate, and the existing Light Industrial (I-1) zone is no longer appropriate for the subject property, for the following reasons:
 - a. The Kentucky Transportation Cabinet has acquired some of the former Norfolk-Southern railroad right-of-way as a result of negotiations about the construction of a sizeable noise barrier wall adjacent to the railroad yard immediately west of the Southend Park area.
 - b. The creation of the noise barrier has created a far superior land use boundary between Circulation and Residential land uses, rather than the previous property line, which was relied upon at the time of the adoption of the Newtown Pike Extension Corridor Plan and the 2007 Comprehensive Plan.
 - c. The zone change to R-3 is intended to prevent unintended consequences from split-zoned properties and to accommodate the shifting of the alley that separates the new Southend Park housing from the slope leading up to the noise barrier wall.
 - d. There are no dwelling units proposed on this portion of the subject property, so there is no violation of the Plan with this open space land use.
3. This recommendation is made subject to approval and certification of ZDP 2013-45: Southend Park, Section 1 prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

WLS/BJR/sc

5/01/2013

Staff Reports/MARV/2013/MARV2013-12.doc