

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2016-8: WYNNDALE DEVELOPMENT, LLC

DESCRIPTION

Zone Change:	<u>REQUEST</u>		<u>ACREAGE</u>	
	<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
	B-6P	R-3	8.46	9.02
	A-U	R-3	<u>2.90</u>	<u>3.26</u>
	TOTAL:		11.36	12.28

Location: 1850 Old Higbee Mill Road (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-6P & A-U	Vacant
To North	A-U & R-1D	Single Family Residential
To East	R-1D, R-1T & R-3	Residential
To South	R-1D & R-3	Residential
To West	R-1D	Residential

URBAN SERVICES REPORT

Roads – Old Higbee Mill Road is a collector street that connects Man o’ War Boulevard with Harrodsburg Road. It was formerly connected to Higbee Mill Road, which is currently an unimproved local street to the east of this site. In the 1980s, this formerly rural roadway was disconnected and became separate streets when Man o’ War Boulevard was constructed. Old Higbee Mill has been partially improved and widened and now provides access to several residential subdivisions located between Man o’ War Boulevard (to the north) and the Fayette/Jessamine County line (to the south), and between Clays Mill Road Extended (to the east) and Harrodsburg Road to the west. Both sections of the subject property that are proposed for re-zoning have frontage along Old Higbee Mill.

Curb/Gutter/Sidewalks – Old Higbee Mill Road was originally constructed without curb, gutter or sidewalks. Over time, Old Higbee Mill has been widened and partially improved (i.e., improved in sections) with curb, gutter and sidewalks. The applicant proposes to construct a sidewalk along much of the subject property’s street frontage.

Storm Sewers – The subject property is located within the South Elkhorn Creek watershed. A portion of South Elkhorn Creek is located on the property, generally flowing from east to west toward the Harrodsburg Road/Bowman Mill Road area. No storm sewers or stormwater improvements exist on the property, and the developer will be responsible for their provision. Any stormwater facility designs will be required to meet the Engineering Manual specifications and should be designed to accommodate water quality improvements, as well. A significant floodplain area is associated with the South Elkhorn Creek, which traverses the subject site. The applicant’s proposed residential development will primarily remain outside of the designated Special Flood Hazard Area, although a post development floodplain (PDFP) is shown on the zoning development plan, indicating that grading and fill material are anticipated for the parking areas and entrance driveway nearest the current floodplain limits.

Sanitary Sewers – The subject property is in the South Elkhorn sewershed, which is served by the West Hickman Wastewater Treatment Plant. A major trunk line runs through the property, parallel to South Elkhorn Creek. The property is planned to be connected to the sanitary sewer when development occurs.

Refuse – The Urban County Government serves this portion of the Urban Service Area with residential collection on Mondays. Apartment developments sometimes contract with private waste haulers for more frequent service.

Police – The nearest police station is located approximately five miles north of the subject property, at the West Sector Roll Call Center (Police Sector 1) on Old Frankfort Pike near New Circle Road.

Fire/Ambulance – The nearest fire station to the subject property is Station #20, located approximately two miles to the northwest at the intersection of Harrodsburg Road and Arrowhead Drive.

Utilities – Natural gas, telephone service, electric, water, and cable television are all available to the areas surrounding the subject property, and all can easily be extended to serve the property. Several utilities crisscross this property, and a 40' wide high pressure natural gas line easement is located near the proposed apartment building.

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 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 Comprehensive Plan encourages expanding housing choices (Theme A, Goal #1); identifying opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A, Goal #2a.); encourages developing underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1a., #1b. and #3); and locating higher density development near greenways and public parks (policy statement).

The petitioner proposes a Planned Neighborhood Residential (R-3) zone for the subject property in order to construct one multi-family residential building, with a total of 24 dwelling units (with 36 bedrooms). This equates to a proposed residential density of 6.88 dwelling units per net acre.

CASE REVIEW

The petitioner has requested a zone change from a Planned Shopping Center (B-6P) zone, and from an Agricultural Urban (A-U) zone, to a Planned Neighborhood Residential (R-3) zone for approximately seven acres of property, located on the south side of Old Higbee Mill Road, between Gladman Way and Hopemont Drive.

Old Higbee Mill Road is a sub-standard, formerly rural roadway located on the west side of Man o' War Boulevard, which connects that road to Harrodsburg Road to the west of this vicinity of the Urban Service Area. The subject property is located on the south side of Old Higbee Mill Road, and has over 700 feet of road frontage. Old Higbee Mill Road is where the access is planned for the proposed development of the site. Hopemont Drive, a local street to the north of Old Higbee Mill Road, has its T-intersection along the subject property's frontage.

The immediate area is characterized by single-family residential neighborhoods on both sides of Old Higbee Mill Road, with R-1C, R-1T and PUD-1 zoning being prevalent. A 10-acre site on the south side of both Man o' War Boulevard and Old Higbee Mill Road (located in an R-3 zone) is in the early phase of development of 26 single family residential lots. That location remained vacant until recently when it and the subject property became available for development.

The subject property is bisected by 8.7 acres of unimproved parkland (Clemens Park) owned by the Urban County Government. The park property is in an Agricultural Urban (A-U) zone, like portions of the subject site. The zone change to the southeast of the park property is about 8.66 net acres in size (A-U & B-6P to R-3), but the vast majority of that acreage is located in a floodplain associated with the South Elkhorn Creek. The 2.72 net acres to the west of the Clemens Park location is also mostly encumbered by the floodplain associated with the South Elkhorn Creek, leaving a small building site on the south side of the lot, which can only be accessed through the park, or via a fording or crossing of the creek from Old Higbee Mill Road (A-U to R-3). These floodplain areas are heavily vegetated and treed.

The petitioner is requesting an R-3 zone in order to construct 24 townhome dwelling units (with 36 bedrooms) to the southeast of the park, across from the Hopemont Drive intersection with Old Higbee Mill Road. The anticipated residential density of the proposed development to the southeast of the park is 2.78 dwelling units per net acre. The R-3 density to the west of the park is purely speculative (technically, 0.00 units per acre), as the corollary development plan filed with this application depicts no development of that tract.

The applicant opines that their request furthers the Goals and Objectives of the 2013 Comprehensive Plan by its encouragement of expanded housing choices (Theme A, Goal #1); identifying opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A, Goal #2a.); providing for well-designed neighborhoods (Theme A, Goal #3); and encouraging the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1a., #1b. and #3). In addition, the applicant believes that Theme C of the Plan is furthered, since this development will allow new housing opportunities to attract new young professionals for our local workforce. Finally, they also put forth that this will minimize disruption of natural features when building new communities (Theme A, Goal #3d.). It is difficult for the staff to associate the development of a single apartment building with meeting so many Comprehensive Plan policies and goals.

Although the petitioner contends that the proposed rezoning is in agreement with the Goals and Objectives of the 2013 Comprehensive Plan, their primary justification is that the existing B-6P and A-U zoning is inappropriate and the proposed R-3 zoning is appropriate. The staff does not disagree. The development of this site is so constrained by the FEMA floodplain, that it cannot accommodate both the 50' building setbacks and the off-street parking requirements mandated by the existing B-6P zone. The placement of fill on the site, or hundreds of feet of stream channelization to allow this location to be developed for a shopping center would be impractical in this twenty-first century environment. R-3 zoning exists just a short distance to the southeast of this location; and, clearly, this area is mostly residential in character. For these reasons, the rezoning to the southeast of Clemens Park would be appropriate.

The petitioner wishes to provide a multi-family residential building in an area where none currently exists. At this location, a single, new 3-story apartment building can be buffered (with street trees) from the established single-family residential neighborhoods in this area. The proposed development also will be buffered in three directions from lower density residential developments by either the floodplain (Special Flood Hazard Area) or the Clemens Park property. Although the site is situated along a major drainage way within the Urban Area, there is still a viable buildable area for the proposed apartment building.

The building site to the west of Clemens Park is entirely different. No development is currently contemplated for that location, but there is so little buildable area, and such poor access to the site, that any increase in its allowable density should be carefully considered. Since access to that buildable area is so constrained, the staff believes it should remain in an A-U zone, and effectively limited to the development of one single family dwelling, until such time as other access to it could be considered. Even if that were the case in the future, it is hard to foresee how a more intense development of that small site could be done in a fashion that meets all the Zoning Ordinance provisions for building setbacks and off-street parking. Thus, the staff recommends it remain in an A-U zone, and restricted to one dwelling unit.

The Staff Recommends: Approval of rezoning to R-3 southeast of Clemens Park, for the following reason:

1. A restricted Planned Neighborhood Residential (R-3) zone is appropriate, and the existing Planned Shopping Center (B-6P) zone and 0.18 acres of an Agricultural Urban (A-U) zone east of Clemens Park, is inappropriate at this location, for the following reasons:
 - a. The Goals and Objectives of the Plan encourage expanding housing choices (Theme A, Goal #1); identifying opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A, Goal #2a.); encouraging the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the

Urban Service Area (Theme E, Goals #1a., #1b. and #3); minimizing disruption of natural features when building new communities (Theme A, Goal #3d.); identifying and protecting natural resources and landscapes before development occurs (Theme B, Goal #3a.). These will be furthered by this rezoning and development, east of Clemens Park.

- b. The placement of fill on the site, or hundreds of feet of stream channelization to allow this location to be developed for a shopping center would be impractical in this twenty-first century environment.
 - c. The subject site is so constrained by the FEMA floodplain, it cannot accommodate both the 50' building setbacks and the off-street parking requirements mandated by the existing B-6P zone.
 - d. At this location, there is room for a single 3-story apartment building, which can be buffered (with street trees) from the established single-family residential neighborhoods in this area. Also, the proposed development will be buffered in three directions from lower density residential uses by either the FEMA floodplain (a Special Flood Hazard Area) or by the Clemens Park property.
 - e. Although the site is situated along a major drainage way within the Urban Area, there is still a viable buildable area for the proposed apartment building.
2. This recommendation is made subject to the approval and certification of ZDP 2016-45: South Lexington Development Co., Inc. (Higbee Creek), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning for the subject property:
- a. All lighting installed on the subject property shall be directed downward and away from any adjacent single-family residential zone.
 - c. A 10-foot landscape buffer shall be established along the improved right-of-way for Old Higbee Mill Road. Within this landscape buffer, street trees shall be planted every 40'-45' on center nearest any new residential structures, with a maximum of ten (10) trees. Such trees may also count toward any requirements of Article 18 of the Zoning Ordinance for vehicular use screening.
- These restrictions are appropriate in order to protect the adjacent residential properties to the north and east of the subject property from the possible increase in activity and light associated with the proposed development and its off-street parking area.

The Staff Recommends: **Disapproval of rezoning to R-3 west of Clemens Park**, for the following reasons:

1. A Planned Neighborhood Residential (R-3) zone at this location is not agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of the Plan encourage infill, redevelopment and adaptive reuse when respective of an area's context and design features; and encouraging the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area. No such changes are proposed in this area.
 - b. The Goals and Objectives of the Plan also encourage providing for well-designed neighborhoods; minimizing disruption of natural features when building new communities; identifying and protecting natural resources and landscapes before development occurs; and preserving urban neighborhoods. A potential increase in the allowable density of the subject property would be contrary to these Goals, but may be possible by maintaining the current A-U zone.
2. The existing A-U zoning is appropriate at this location, for the following reasons:
 - a. The subject site can currently only be accessed by crossing the natural floodplain of the South Elkhorn Creek. Increasing allowable density at this location west of Clemens Park would potentially create a health, safety and welfare issue for new residents at this location.
 - b. The applicant has proposed no development of this property, due to the location's poor access.
 - c. The current A-U zone would allow construction of one single family residential dwelling on this portion of the subject property, which is the most appropriate of density for the portion of this 2.72 net acre site located outside of the 100-year floodplain.