

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2011-16: HALLMARK STUDENT DEVELOPMENT CO., LLC

DESCRIPTION

Zone Change:	<u>REQUEST</u>		<u>ACREAGE</u>	
	<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
	A-U	R-5	8.54	8.83
	B-4	R-5	<u>2.06</u>	<u>2.06</u>
	TOTAL		10.60	10.89

Location: 843 South Broadway, and a portion of 1200 Red Mile Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	A-U & B-4	Tattersalls Horse Sale Pavilion, Arena & Stables
To North	A-U & B-4	Horse Race Track, Wholesale Business & Warehouses
To East	B-3 & B-4	Gas Station/Convenience Store & Vacant
To South	B-3 & R-4	Restaurants & Apartments
To West	B-3 & MU-3	Restaurant, Gas Station & Hotel

URBAN SERVICES REPORT

Roads – South Broadway (US 68) is a five-lane major urban arterial roadway along the frontage of the subject property, with a bus pull-off situated on the south side of the road to accommodate transit in the area. A private connector street is also planned along the rear of the subject property to create additional lot frontage for two of the proposed buildings. This street would provide a connection to the adjacent Red Mile harness track and access to Red Mile Road. Nearby signalized intersections with South Broadway exist to the east at Angliana Avenue and to the west at Red Mile Road.

Curb/Gutter/Sidewalks – This section of South Broadway does have curb, gutter and sidewalk facilities. Curbing, gutter and sidewalk will be expected along any new public and private streets constructed as part of the proposed development.

Storm Sewers – The subject property is located within the Town Branch watershed. No storm sewers exist on this property today. New storm water improvements will be required as portions of the subject property redevelop, and new facilities will need to adequately contain any storm water impacts created by the proposed redevelopment. The subject property has no known flooding or drainage problems.

Sanitary Sewers – A majority of the subject property is located in the Town Branch sewershed, although the rear portion of the site associated with the horse track is located in the Wolf Run sewershed. The subject property is served by the Town Branch Sewage Treatment Facility, located on Old Frankfort Pike, east of New Circle Road. Adequate sanitary sewer capacity to serve the residential development will need to be documented at the time of development.

Refuse – The Urban County Government serves this area with refuse collection on Mondays. However, supplemental service may be required to serve the needs of the proposed residential development. This can be accomplished by contracting with private refuse haulers, if desired by the developer.

Police – The subject property is located midway between the West Sector Roll Call Center, located on Old Frankfort Pike at New Circle Road, and the police station at the main headquarters, located to the east of the subject property on East Main Street near the downtown Public Library. Both facilities are about one mile from the subject property.

Fire/Ambulance – The closest fire station (#6) is located less than one mile to the south at the intersection of Scott Street and South Limestone, across from the University of Kentucky campus.

Utilities – All utilities, including gas, electric, water, phone, and cable TV are available in the area and could be easily extended, as necessary, to serve the proposed redevelopment of the subject property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5) recommends a Commercial Residential Mixed Use (MU) land use for a majority the subject property, and Semi-Public Facilities (SP) for the rear portion of the site along the race track. The property was also included in the study area of the Red Mile Development Plan, which was formulated for The Red Mile property during the spring and summer of 2009, and was accepted by the Planning Commission. This Plan was consciously substituted for a Small Area Plan for the property. The petitioner proposes R-5 zoning in order to construct 4 multi-family buildings with 272 dwelling units (832 bedrooms), a clubhouse for residents, and associated off-street parking.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural Urban (A-U) zone, and from a Wholesale & Warehouse Business (B-4) zone to a High Rise Apartment (R-5) zone for 10.6 acres of property that has previously been home to the Tattersalls sales pavilion, arena and stables on South Broadway. The subject property is owned and operated by the Red Mile harness track.

The subject property is comprised of the Tattersalls parcel on South Broadway (8.54 acres) and a portion of the Red Mile parcel near the southern edge of the track (2.06 acres) that was not rezoned in 2009 with the majority of the property to the Mixed Use Community Zone (MU-3). At that time approximately 70 acres of the Red Mile property remained in the Agricultural Urban (A-U) zoning and land use to allow the track, the Tattersalls facility, and stables to continue to operate.

The petitioner proposes R-5 zoning in order to construct four multi-family buildings, a clubhouse and associated off-street parking. The petitioner proposed some 272 dwelling units (832 bedrooms), for a proposed residential density of 25.66 dwelling units per net acre.

The South Broadway corridor between Red Mile Road and Maxwell Street has experienced a significant renewal and transformation over the past decade. Many of the large parcels along the corridor were formerly tobacco warehouses that have been redeveloped, mostly for residential or commercial land uses. The corridor is, and has been, a mixture of commercial, residential and industrial land uses, including several student housing developments.

The 2007 Comprehensive Plan's Land Use Element recommends Mixed Use (MU) land use for the front portion of the subject property along South Broadway and Semi-Public Facilities (SP) for the portion of the property nearest the Red Mile track, recognizing its historical use as a race track. These land use categories are defined in the 2007 Plan as follows:

- *Commercial Residential Mixed Use (MU)* – This is a mixed-use category that encourages combinations of office and neighborhood retail with residential above, or adjacent to, the retail and office. The intent of this category is to encourage redevelopment of selected older commercial areas by mixing uses and reducing parking requirements. Accessory or adjacent residential uses are a critical part of proposed uses in this mixture.
- *Semi-Public Facilities (SP)* – This land use category includes facilities that benefit the public but are not publicly owned. Such land uses may be large and distinctive facilities that are service-oriented; however, it also includes facilities that contribute to the general welfare of the entire community. Semi-Public Facilities include places of worship, cemeteries, private educational institutions, and private recreation. In previous Land Use Chapters, this land use category may have included such uses as dormitories, nursing homes, and other residential care or assisted living facilities. These uses are now identified as high- or very high-density residential uses. Existing Semi-Public uses are shown as Semi-Public on the Land Use Map to indicate the

desire for their continued existence and contribution to the community. If redevelopment becomes an issue, the Planning Commission should consider the recommendations of the previous comprehensive plans and plan amendments for these sites, as well as other relevant current information when making a land use and zoning recommendation for each site. (emphasis added)

The appendix to the 2007 Plan also states that the Red Mile property as a whole “should be reviewed through a Small Area Plan, with strong consideration for high-density residential and mixed-use.” The 2009 Red Mile Development Plan process was substituted for the small area plan process to meet the stated desire of the Comprehensive Plan for further study prior to rezoning, and to share the responsibility of that planning effort with the property owner.

Prior to the 2009 planning process specific to the Red Mile property, the South Broadway Corridor Plan studied the portion of US 68 from West Maxwell Street to Waller Avenue, including the subject property and the entire 132-acre Red Mile property. As a result of that Small Area Plan (adopted in 1990 as an amendment to the 1988 Comprehensive Plan), the subject property was depicted as Retail/Office Mixture (RO) future land use. The RO land use category was renamed Commercial Residential Mixed Use (MU) in the 2007 Comprehensive Plan.

The Red Mile Development Plan, which was formulated over the spring and summer of 2009, was approved by the Planning Commission in product and in process. The effort engaged the Planning Commission, the Red Mile and their consultants, area property owners (both commercial and residential) and area neighborhood associations. The Plan was developed by this “Working Group,” and addressed many of the issues discussed at a series of meetings, held at the track, and at meetings of the Commission. The Red Mile Development Plan represents a consensus of the Working Group. The boundary of the Plan includes the subject property in its entirety, with a majority of the site being depicted as light industrial land use. This Plan established three overarching goals for the Red Mile property:

1. The Red Mile Development Plan should lay the groundwork for additional development that would support and enhance the existing racetrack and ancillary operations at the Red Mile.
2. The Red Mile Development Plan will create a model for mixed-use development in Lexington and the region and explore innovative zoning regulations supporting mixed-use.
3. The Red Mile Development Plan will improve connectivity and access to the Red Mile from the surrounding community.

In addition, several principles were outlined in the Working Group’s Plan. Some of these principles are:

- Allow continued operations of the racetrack and the Tattersalls sales area.
- Do not target residential to the undergraduate student housing market.
- Encourage a mix of housing, retail and office.
- Identify transportation improvements to improve access and connectivity to, on and around the Red Mile.
- Use and improve upon existing site features, stables, barns, etc.
- Potential Linkage to Angliana Avenue Redevelopment.

Further, on page 13 of the Plan, the existing site features were discussed, and it was noted that the Tattersalls Stables were a part of the Red Mile property, and were envisioned to be a major factor in the future operations of the track post-development of the mixed-use areas. Thus, the Tattersalls pavilion, arena and stables were not planned for any type of redevelopment in the Concept Plan portion of the document.

This zoning map amendment has been reviewed by the staff in light of the recommendations of the Red Mile Development Plan. Given the very specific nature of the goals, principles and redevelopment recommendations, the proposal to eliminate the Tattersalls support area from the Red Mile race track to develop an apartment complex for over 270 units of student housing appears to be contrary to some of the stated and agreed upon redevelopment goals for the subject property. The recent demand for student housing in this corridor must now also take into account the University of Kentucky's recently announcement that new dormitories are planned to be built on the main campus. The staff would ask the Commission for additional time to explore the appropriateness of this R-5 rezoning request, to assess the University's timing for construction of new dormitories.

Article 6 of the Zoning Ordinance requires that a Traffic Study be submitted in association with this proposed zone change and corollary development plan. The Transportation Planning Section is currently reviewing the submitted study and will report on it to the Planning Commission at their public hearing.

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

1. The 2009 Red Mile Development Plan identified very specific goals, principles and redevelopment recommendations. The proposal appears to be contrary to some of the stated and agreed upon redevelopment goals for the subject property.
2. The staff would like to further assess the demand for student housing in this corridor, given the University of Kentucky's recently announcement that new dormitories are planned on the main campus.

TLW/BJR/WLS

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