

STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

MAR 2015-10: NORTH FORTY PROPERTIES, LLC

DESCRIPTION

Zone Change: From an Expansion Area Residential 1 (EAR-1) zone
To an Expansion Area Residential 2 (EAR-2) zone

Acreage: 46.64 net (47.18 gross) acres

Location: 1551 Deer Haven Lane (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	EAR-1	Vacant
To North	EAR-1 & EAR-2	Residential, Vacant
To East	EAR-1	Residential, Agricultural
To South	EAR-2 & A-R	Agricultural & Park (King Property)
To West	EAR-2	Residential

URBAN SERVICES REPORT

Roads – Deer Haven Lane is a rural road located to the south and southeast of the subject property, but the property no longer has frontage along this roadway. Once a part of Walnut Hill-Chilesburg Road, an interdiction was built to divide that road into two parts, terminating the vehicular connection between Todds Road and Winchester Road. The King Property, purchased by the LFUCG years ago for a public park, facilitates the interdiction with two cul-de-sacs situated side by side. Polo Club Boulevard is constructed along the west boundary of the subject property, and a project for its completion to Todds Road is now underway by the Urban County Government. Also proposed for this property is the continuation of Blackford Parkway, a designated “park road” in the Expansion Area Master Plan (EAMP), that has been constructed up to the eastern property boundary on the adjacent Blackford property.

Curb/Gutter/Sidewalks – Polo Club Boulevard and Blackford Parkway, classified as a required “boulevard” and a “park road” by the EAMP, are also considered as collector streets. They have been constructed with full curbs, gutters, and sidewalks. Deer Haven Lane does not have curb, gutter, or sidewalks, nor are any of these urban improvements planned for the rural roadway because the EAMP recommends that it remain rural in character, except where improvements are necessary for public safety reasons.

Storm Sewers – This property lies within the North Elkhorn Creek watershed. The developer will continue to construct the storm sewer system in this area. The overall storm water management system in this area will utilize the regional retention techniques designed for the Expansion Area - in compliance with the adopted LFUCG Engineering Manuals.

Sanitary Sewers – This property is located within the North Elkhorn sewershed, and will be served by the Town Branch Wastewater Treatment Facility on Lisle Industrial Road. The Expansion Area Master Plan planned a major trunk line through the Blackford Property to the northeast, and the developer will construct sanitary sewers as development occurs.

Refuse – The Urban County Government services this area with refuse collection on Tuesdays.

Police – The nearest police station is the Central Sector roll call center, located off Winchester Road near its interchange with New Circle Road, approximately 4.5 miles to the northwest.

Fire/Ambulance – The nearest fire station is station No. 21, located off Mapleleaf Drive, near Man o’ War Boulevard, approximately 2 miles to the southwest of the subject property. The Division of Fire and Emergency Services also has plans for two new fire stations in this portion of the Urban Services Area; one on the east side of I-75 near Hamburg, and the second along the Richmond Road corridor near the Jacobsen Park area.

Utilities – Electric, phone, water, natural gas, cable television, and streetlights are available to the already developed portion of the Clark Property subdivision and should be able to be extended to the subject property

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 subject property is located within the Expansion Area, more specifically Subarea 2A. The Expansion Area Master Plan recommends Expansion Area Residential 1 and Conservation future land use for the subject property.

The petitioner proposes a residential development of approximately 225 single family lots within the portion of the subdivision proposed for rezoning, and a total of 356 (detached) dwelling units within the boundary of the corollary zoning development plan (Clark Property, Unit 4). This represents a density of 4.77 dwelling units per gross acre on the subject property, and 4.92 dwelling units per gross acre for the larger Clark Property development, as a whole.

CASE REVIEW

The petitioner has requested a zone change from an Expansion Area Residential 1 (EAR-1) zone to an Expansion Area Residential 2 (EAR-2) zone for about 47 acres of property along the east side of Polo Club Boulevard along the southern edge of Expansion Area 2A, which is located between Winchester Road (north); the Urban Service Area boundary (east); the Brighton shared use trail (south); and Interstate 75 (west).

The subject property is located on the east side of Polo Club Boulevard, just north of the recently completed Brighton shared use trail and the King Property that was purchased in the 1990s by the Urban County Government for a neighborhood park. The property no longer has frontage along Deer Haven Lane due to the transfer of property for the shared use trail. The remainder of the Clark Property subdivision (The Home Place) and the Sikura-Justice (Gleneagles) development are situated to the north, and the Blackford Property is located to the north and east of the subject property.

The applicant is proposing to develop Unit 4 of the Clark Property in a development pattern very similar to Units 1-3 to the north and west of the subject property. Those units contain single-family residential lots approximately 40 feet wide. Unit 4 is currently split-zoned, with 47 acres located in the EAR-1 zone and 25 acres located within the EAR-2 zone. The applicant is requesting that the EAR-1 portion of Unit 4 be rezoned to allow for a density of more than 3 units per gross acre. Article 23A of the Zoning Ordinance does permit "density clustering on lands that are part of a single development plan, under the same ownership and within the same zone and the same Expansion Area so that the average density of the site does not exceed the maximum for the zoning category." The applicant would like to continue to average and cluster this development around the greenways, occupied by existing tree stands, but the different zoning category (EAR-1) hampers that effort because of the density restrictions of that zone, and the regulation established by Article 23 of the Ordinance.

The 2013 Comprehensive Plan establishes Themes, Goals and Objectives to further the vision for the future land use development of our community. However, the 1996 Expansion Area Master Plan remains in effect, as Article 23 of the Zoning Ordinance requires a finding that all new developments must comply

with that plan, in order to be approved. In the case of the current rezoning request, the more detailed recommendations of the EAMP (subarea 2A) must be reviewed.

Subarea 2A of the EAMP recommended a density of 403-953 dwelling units for the entire Clark Property, and more specifically, 77-300 dwelling units for land within Unit 4 of the Clark Property. The applicant now proposes to average that density across all of the Clark Property, but will stay within the overall maximum of 953 dwelling units as established by the EAMP. The total Clark Property would have 879 dwelling units if the corollary development plan is approved and not modified, thus leaving a balance of 74 dwelling units.

Besides the density of residential development in this area, various community facilities were also recommended by the EAMP. A "proposed park road" (Blackford Parkway) was to extend to the northeast from a "proposed boulevard" (Polo Club Blvd). The "park road" has actually been constructed slightly south and east of that recommended by the EAMP's Future Land Use Element, although the existing EAR-1/EAR-2 zoning boundary (now proposed for alteration) does match the land use recommendations. Also, a planned "Conservation" (i.e.; parkland) land use has been provided to the south and east of its planned location in the EAMP. This is due to the Urban County Government's purchase (15± years ago) of the King Property for a future neighborhood park.

A greenway was planned to connect the neighborhood park (conservation area designated by the EAMP) to the remainder of the greenway system to the northwest on the Blackford Property (pg. 23 of the EAMP). The petitioner's corollary Zoning Development Plan proposes to do so, crossing Blackford Parkway at only one location – just as recommended by the EAMP.

The staff has concluded that the petitioner's plan meets the critical elements and principles of the EAMP, based on the following:

- 1) there is no density increase beyond levels originally proposed by the EAMP;
- 2) the "park road" (Blackford Parkway) will still serve as the area's collector street, and will intersect Polo Club Boulevard near the exact location planned in the EAMP;
- 3) the greenway system will be extended through the subject property to cross Blackford Parkway, and will provide linkage to the area's neighborhood park;
- 4) the shift in zoning to the southeast will mirror the shifted locations of Blackford Parkway and the area's park, also to the southeast; and
- 5) the increased EAR-2 zoning in land area will have no effect on the "flexibility of housing types" within the Expansion Area, but will allow the applicant to more closely meet the maximum residential density recommended by the EAMP.

For these reasons, the staff concludes that this is in agreement with the 2013 Comprehensive Plan.

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

1. The requested zone change is in agreement with the 2013 Comprehensive Plan, and in substantial agreement with the more detailed recommendations of the 1996 Expansion Area Master Plan, for the following reasons:
 - a. The 2013 Plan recommends increased residential densities, where appropriate, within the existing Urban Services Area. This proposed development is consistent with this theme.
 - b. The Clark Property, in its entirety, is recommended for Expansion Area Residential-1 (48± acres) and Expansion Area Residential-2 (134± acres), defined as 0-3 units/gross acre and 3-6 units/gross acre, respectively. This equates to a recommendation of between 403-953 residential units for that land area.
 - c. The petitioner proposes to utilize density averaging and clustering; therefore, Article 23A-2(m) of the Zoning Ordinance requires that the land be located within the same zoning category.
 - d. Across the entire Clark Property, a total of 879 dwelling units are now proposed (523 units in Units 1-3 and 356 units in Unit 4) for development, at an overall density of 4.80 dwelling units per gross

acre, which remains in agreement with the EAMP, since up to 953 dwelling units are recommended by the EAMP for the Clark Property.

- e. The petitioner intends to develop 403-807 units on the proposed Expansion Area Residential-2 portion of the property, at a density of 3-6 units/gross acre.
 - f. The greenway recommended by the EAMP is proposed on the corollary development plan filed in conjunction with this rezoning request.
 - g. The "park road" (Blackford Parkway) is proposed to be extended through the property to an intersection with Polo Club Boulevard, as recommended by the EAMP.
2. This recommendation is made subject to approval and certification of ZDP 2015-52: Clark Property, Unit 4, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of Planning Commission Approval.

TLW/BJR/WLS

7/1/15

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