

STAFF REPORT ON AN AMENDED PETITION FOR ZONE MAP AMENDMENT

MAR 2015-25: ERFAN M. ALAMI (AMD)

DESCRIPTION

Zone Change: From a Neighborhood Business (B-1) zone
To an Agricultural Rural (A-R) zone

Acreage: 3.24 net (3.76 gross) acres

Location: 5898 Old Richmond Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-1	Single Family Residence and Agricultural
To North	A-R & B-1	Agricultural, Church
To East	B-1	Vacant
To South	A-R	Agricultural
To West	A-R	Agricultural

URBAN SERVICES REPORT

Roads – Old Richmond Road (US 25/421) bounds the property to the east. It is a two-lane, rural minor arterial highway along the subject property’s frontage. Jacks Creek Pike (KY 1975) is also a two-lane rural highway that borders the property to the southeast. No roadway improvements to Old Richmond Road or Jacks Creek Pike are planned. There are no local streets or access easements planned within the subject property and access to the site will not be modified.

Curb/Gutter/Sidewalks – Old Richmond Road has been constructed without gutter, curbing or sidewalks because these facilities are often associated with urban rather than rural roadways.

Storm Sewers – The property is located within the Shelby Creek watershed, which drains to the west, toward Tates Creek Road and northern Jessamine County. Storm sewer facilities do not serve this rural area, nor are any planned associated with this rezoning. There are no known flooding problems or FEMA designated Special Flood Hazard Areas within the immediate area.

Sanitary Sewers – The subject property is located outside of the Urban Service Area; therefore, it is not served by the LFUCG sanitary sewer system, and there are currently no plans to do so. The existing residence on the subject property has been served by a septic field for some time. The closest public sanitary sewers are approximately two miles north of the subject property, along Athens-Boonesboro Road.

Refuse – The Urban County Government does not currently service this area with refuse collection. Private refuse collection service is necessary to serve the single family residence on the subject property.

Police – The subject property is located within Police Sector 3, with the nearest police station located about five miles to the northwest, at the East Sector Roll Call Center in the Gainesway neighborhood.

Fire/Ambulance – The subject property is situated approximately 2¼ miles northwest from Fire Station #18, which is located at the intersection of S. Cleveland and Old Richmond Roads.

Utilities – Natural gas, electric, water and telephone service exist in the general vicinity of the proposed zone change.

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 2013 Comprehensive Plan also recommends supporting the agricultural economy, horse farms, general agricultural, and the character of the Rural Service Area (Theme E, Goal #2).

The Rural Land Management Plan, adopted by the Planning Commission in 1999, recommends Core Agricultural and Rural Land (CARL) use for the subject property.

The petitioner proposes to downsize the parcel in order to make renovations to the existing, non-conforming residence on the subject property.

CASE REVIEW

The petitioner has requested a zone change from a Neighborhood Business (B-1) zone to an Agricultural-Rural (A-R) zone for 3.24 acres of land, located at the intersection of Old Richmond Road and Jacks Creek Pike.

The subject property, which is located on the west side of Old Richmond Road, is completely located within a Neighborhood Business (B-1) zone, but has historically been utilized as a small farm. The property currently contains a single-family residence, and a barn-like structure at the intersection of Old Richmond Road and Jacks Creek Pike.

Agricultural land borders the subject property in almost every direction, although the property is also part of a 9.5-acre pocket of business zoning within the Rural Service Area, left over from the 1950s era. The Richmond Road Baptist Church is located within this 9.5-acre node (across Old Richmond Road to the northeast), as is a vacant convenience store/gas station across Jacks Creek Pike from the subject property (southeast corner of the intersection).

The petitioner proposes to downzone the property in order to fully utilize the existing single-family residence and make any necessary or desired improvements/expansions. Because the house is currently a non-conforming use due to its B-1 zoning, expansion and/or alterations to it are not permitted, which significantly limits its utility. Downzoning to A-R will allow the residence to be expanded, as it will no longer be non-conforming. However, downzoning will create a non-conforming A-R tract of land, since the lot is less than 4 acres in size, and the zoning category requires a minimum of 40 acres.

The 2013 Comprehensive Plan no longer contains a detailed land use element and map, but the Goals and Objectives of the Plan are utilized to help assess whether a proposed zone change can be found to be in agreement with the Plan. Theme E, Goal #3 encourages the support of our agricultural economy and the character of the Rural Service Area. Since the subject property has been utilized as a single-family residence since 1935, the staff does not believe that the character of the area will be changed with the proposed rezoning; in fact, it will be preserved. In addition, the Rural Land Management Plan recommends Core Agricultural and Rural Land (CARL) use for the subject property, which better aligns with the Agricultural Rural (A-R) zone now proposed by the petitioner.

The 1999 Rural Land Management Plan identified 23 non-agricultural or non-residential pockets of urban zoning that "have the potential for being developed in a manner incompatible with a program of rural preservation." The RLMP recommended that most of the sites, including the 9.5-acre rural crossroads that encompasses the subject property, be zoned to A-R or another appropriate category unless the site was currently supporting a business that served the rural area. Since the existing residence has been there since 1935, the subject property is a perfect candidate for downzoning to the A-R zone, which is

also consistent with the adjoining land. Based upon these facts, the staff supports the proposed rezoning.

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

1. The requested Agricultural Rural (A-R) zone is in agreement with the 2013 Comprehensive Plan and the 1999 Rural Land Management Plan, for the following reasons:
 - a. The 2013 Comprehensive Plan Goals and Objectives recommend supporting the agricultural economy and the character of the Rural Service Area. Since the subject property has been utilized as a single-family residence since 1935, retaining the residence in a conforming manner will better preserve the rural character of the immediate area.
 - b. The Rural Land Management Plan recommends Core Agricultural and Rural Land (CARL) future land use for the subject property. The property is located within the Rural Service Area; is not served by typical urban services, such as sanitary sewers, storm sewers, solid waste collection or curb/gutter/sidewalks; and the A-R zone is intended to implement the Plan's future land use recommendation for this location.

TLW/BJR/WLS
12/2/15, 10/3/16 amd
Planning Services/Staff Reports/MAR/2015/MAR 2015-25amd.doc