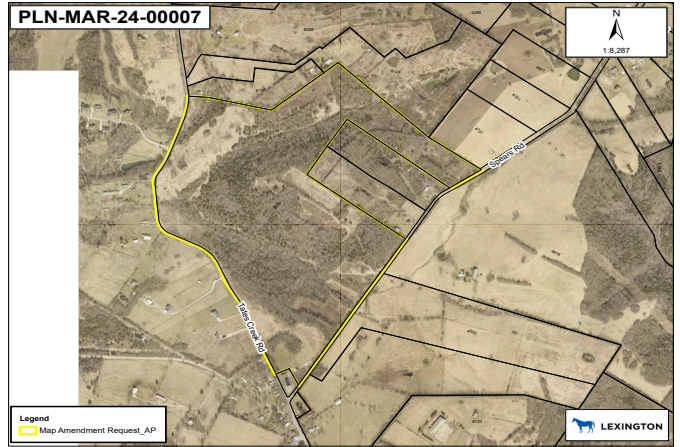


STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-24-00007: KURT R. VOLK EXEMPT FAMILY SHARE TRUST

DESCRIPTION OF ZONE CHANGE

Zone Change:	From a Agricultural Rural (A-R) zone To a Agricultural Buffer (A-B) zone
Acreage:	144.84 net (147.14 gross) acres
Location:	8200 Tates Creek Road



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	A-R	Agricultural
To North	A-R	Agricultural
To East	A-R	Agricultural
To South	A-R/ B-1	Agricultural/ Commercial
To West	N/A	Jessamine County

URBAN SERVICE REPORT

Roads - Tates Creek Road (KY 1974) is a two-lane rural highway at this location in the Rural Service Area. Spears Road (KY 1975) is also a two-lane rural highway.

Curb/Gutter/Sidewalks - Both Tates Creek Road and Spears Road have been constructed without gutter and curbing, and does not have emergency shoulders on this portion of the roadway. Sidewalks are not present along these rural roadways.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve future development.

Storm Sewers - A storm sewer system is not anticipated to be necessary for the proposed low intensity land uses. The property is located within the Kentucky River watershed. The northwest portion of the site does contain areas of floodplain. Development on this parcel will require compliance with Article 19 of the Zoning Ordinance; and water quality will need to be addressed by the developer in accordance with the adopted Engineering Stormwater Manuals.

Sanitary Sewers - It is anticipated that each of the 13 proposed lots will be served by their own septic systems, subject to permitting by the Department of Health.

Refuse - The Urban County Government does not serve the rural area with refuse collection. Refuse collection will need to be performed by a private company.

Police - The nearest police station is the East Sector Roll Call Center, located approximately 7 miles to the northwest at the corner of Saron Drive and Clearwater Way.

Fire/Ambulance - There are two fire stations that are within proximity to the subject property. Fire Station #22 is the nearest station to this site and is located approximately seven (7) miles to the northwest of the subject property along Clearwater Way.

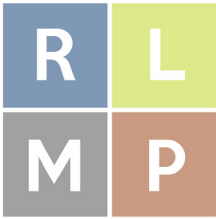
Transit - There is no LexTran service available within close proximity of the subject property.

Parks - The nearest public park is Raven Run, located approximately 1.5 miles to the east of the subject property.

SUMMARY OF REQUEST

The applicant is seeking to rezone the subject property from an Agricultural Rural (A-R) zone to an Agricultural Buffer (A-B) zone to subdivide the subject property into thirteen parcels.

RURAL DEVELOPMENTS



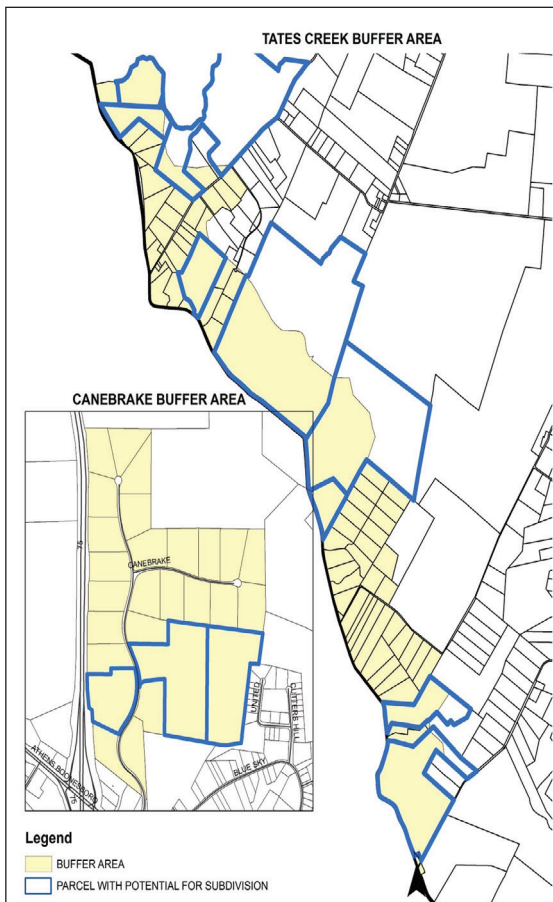
Development within the Rural Service Area (RSA) should consider the unique assets and opportunities offered by Lexington's agricultural landscape. For this reason, the 2017 Rural Land Management Plan (RLMP), in tandem with applicable policies from Imagine Lexington, should act as the primary guide for all rural development endeavors and should be directly addressed in development proposals within the RSA.

Due to the distinct difference between urban place-types and rural area considerations, the RLMP is better suited to guide the limited development within the RSA than the criteria set out in the Placebuilder. Additionally, the numerous policies, goals, and objectives within Imagine Lexington focusing on rural development link directly to the goals and objectives laid out by the RLMP. These provide additional support for defining the intended nature of rural development and its impacts on the agricultural community.

PROPOSED ZONING



This zone is established to preserve the rural character of the agricultural service area by establishing agricultural land that can serve as buffer areas between urban uses and agricultural land, and between land outside Fayette County and agricultural uses. It is the intent of this zone to provide separation between conflicting uses by requiring appropriate landscaping, fencing, and compatible uses. The Land Use Element of the Comprehensive Plan shall be used to determine the appropriate location for the Agricultural Buffer (A-B) zone.



BUFFER AREAS

This land use category encompasses the areas that can serve as buffers between conflicting urban uses and/or between higher intensive uses in adjoining counties and agricultural land. All but one of the buffer areas are located on or near the edge of the Urban Service Area. This buffer area along Tates Creek Road is intended to transition from possible incompatible land uses in Jessamine County. Buffer Areas are predominated by lots that are ten acres in size. The total land area for this category is 2,525 acres.

Since the adoption of the first Rural Service Area Land Management Plan in 1999, the Agriculture-Buffer (A-B) zone was created for this land use category. The intent is to separate the conflicting uses by requiring appropriate landscaping, fencing and compatible uses. The principal permitted uses for the zone are agricultural and single family dwellings. A minimum lot size of 10 acres is required.

PROPOSED USE



The applicant is seeking to rezone the subject property to the Agricultural Buffer (A-B) zone to allow for the subdivision of the lot into 13 tracts, ranging from 10.1 acres to 19.5 acres.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant has not indicated that there has been any neighborhood engagement or outreach regarding the proposed zone change.

PROPERTY & ZONING HISTORY



The subject property has been zoned Agricultural Rural (A-R) since before the comprehensive rezoning of the city and county in 1969. The parcel contains a 1,200 square foot home that was constructed in the 1920s and is oriented towards Spears Road. The western portions of the property, closest to Tates Creek Road, appear to have been used for agricultural purposes.

The 2017 Rural Land Management Plan identifies the nearby intersection of Spears Road and Tates Creek Road as a rural community cluster, which features long established commercial uses that served the immediate area. These parcels currently contain Neighborhood Business (B-1) zoning despite their location in the Rural Service Area.

COMPREHENSIVE PLAN COMPLIANCE



The 2040 Comprehensive Plan, *Imagine Lexington*, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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.

In 1999, the first Rural Service Area Land Management Plan was adopted as an element of the 1996 Comprehensive Plan. The document was the first extensive effort dedicated to the planning and management of land uses in the Rural Service Area and recommended minimum lot sizes, establishment of rural land use categories, utilization of greenways and Focus Areas for recreation, preservation of rural settlements and scenic roads, infill and redevelopment, considerations for potential adjustments to the Urban Service Area Boundary, buffering of the urban edge, and the recommendations for the Purchase of Development Rights Program. In 2017, the Rural Land Management Plan was adopted, updating the recommendations made within the 1999 Plan. The 2017 Rural Land Management Plan is an adopted element of the 2045 Comprehensive Plan.

GOALS & OBJECTIVES

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2045 Comprehensive Plan. The applicant opines that the request will uphold the Urban Service Area concept (Theme E, Goal #1), by ensuring that all types of development are environmentally, economically and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land (Theme E, Goal #1.b). The applicant further argues that the request will protect and enhance the natural, cultural, historic and environmental resources of Lexington-Fayette County's Rural Service Area (Theme E, Goal #2.a).

Staff agrees with the applicant's argument. The requested agricultural zone is appropriate for this portion of the Rural Service Area, and is a low-density buffer to help transition from Fayette County's core agricultural land to potentially incompatible land uses in Jessamine County.

RURAL LAND MANAGEMENT PLAN

The applicant also opines that the subject rezoning is largely in agreement with the 2017 Rural Land Management Plan. The 1999 and 2017 Rural Land Management Plans specifically delineated areas to act as buffers between more intense urban uses and agricultural uses. The Policy Emphasis and Recommendations for Buffer Areas within the Rural Land Management Plan specifically state proposed development or use must be rigorously reviewed to ensure it is compatible with any housing on the parcel, housing in its vicinity, or with surrounding agricultural activities.

In this portion of Tates Creek Road adjoining Jessamine County, the Rural Land Management Plan's future land use map designated this area for Buffer Area land uses to provide a transition from the more intense development that is permissible in Jessamine County to the less intense rural agricultural areas within Fayette County. The exact width of the buffer designated area varies, but on average extends approximately 2,000 feet from the roadway. This Buffer Area covers the vast majority of the subject property, but due to the parcel's unconventional shape, approximately 13 acres of the property located closest to Spears Road is outside of the designated Buffer Area. This portion of the property was recommended for Core Agricultural Land future land use.

The intent behind the Core Agricultural Land designation is preservation and enhancement of the land for agricultural purposes. However, in several ways this portion of the property is out of character with the typical Core Agricultural parcels. The remnant portion of the property that is recommended for the Core Agricultural land use is not large enough to meet the 40 acre minimum lot size that is called for by the plan. Furthermore, the typography of this portion of the property limits its ability to effectively be used for agriculture as envisioned by the Rural Land Management Plan.

The applicant is seeking this rezoning in order to divide the parcel into lots that are anticipated to be used for single-family residential development on tracts of approximately 10 acres. This lotting pattern is in keeping with the style of development present on Spears Road, where despite the Core Agricultural Land designation, all twelve other parcels on the northern portion of the road are lots that are less than 20 acres in size. This low density residential pattern is closer in character to Buffer Area development than Core Agricultural Land.

Staff finds that the requested Agricultural Buffer (A-B) zoning is appropriate at this location. The Agricultural Buffer (A-B) zone the zone that is intended to implement the intent of the Buffer Area land use recommendation, established by the Rural Land Management Plan and carried forward by the Imagine Lexington 2045 Comprehensive Plan. While a portion of the site was not initially recommended for Buffer Area land use, the requested change is in character with existing development along Spears Road, and meets the plan's overall goal of providing a buffer along the county line.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The requested Agricultural Buffer (A-B) zone is in agreement with the 2045 Comprehensive Plan for the following reasons:
 - a. The proposed project will uphold the Urban Services Area concept (Theme E, Goal #1), by ensuring that all types of development are environmentally, economically and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land (Theme E, Goal #1.b).
 - b. The request will create a buffer zone to help transition from Fayette County's core agricultural land from potentially incompatible land uses in Jessamine County (Theme E, Goal #2.a).
2. The requested Agricultural Buffer (A-B) zone meets is in agreement with the 2017 Rural Land Management Plan, an adopted element of the 2045 Comprehensive Plan, for the following reasons:
 - a. The vast majority of the property is designated as Buffer Area future land use by the Rural Land Management Plan's Future Land Use Element. The petitioner proposes Agricultural Buffer (A-B) zoning for the property, which is the zoning category intended to establish the recommended buffer.
 - b. While a portion of the site is recommended as a Core Agricultural Land, the size, topography, and farming suitability of this portion of the site is out of character with the recommended land use. In addition, the portion of the subject property that has been recommended for Core Agricultural Land is less than 40 acres in size, which does not meet the minimum lot size for the A-R zone.
 - c. The requested Agricultural Buffer (A-B) zone will create consistency in lot pattern and size with existing development along Spears Road.
 - d. The proposed rezoning fulfills the Rural Land Management Plan's goal of providing a compatible transition between the potentially more intense land uses in Jessamine County and the core agricultural uses in Fayette County
3. This recommendation is made subject to approval and certification of PLN-MISUB-24-00005 VOLK ESTATES prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.