

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2013-4: STEVE & CATHY SNOWDEN

DESCRIPTION

Zone Change: From a Single Family Residential (R-1C) zone
To a Neighborhood Business (B-1) zone

Acreage: 0.309 net (0.403 gross) acre

Location: 708 & a portion of 712 Henry Clay Boulevard

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-1C	Single-Family Residence & Commercial Bakery
To North	B-1 & R-1C	Neighborhood Commercial & Single-Family Residential
To East	R-1C	Single-Family Residential
To South	R-1C	Single-Family Residential
To West	B-1 & R-1C	Single-Family Residential

URBAN SERVICES REPORT

Roads – Liberty Road is an urban minor arterial roadway in the area of the requested zone change, and it borders a portion of the subject property to the northeast. Henry Clay Boulevard is also an urban minor arterial, starting at its intersection with Liberty Road (which is signalized), and it borders a portion of the subject property to the northwest. No roadway improvements are anticipated with the proposed development.

Curb/Gutter/Sidewalks – Liberty Road and Henry Clay Boulevard have curb and sidewalks, but do not have gutters.

Storm Sewers – The subject property lies within the upper reaches of the West Hickman watershed. Liberty Road and Henry Clay Boulevard form the boundary between this watershed and the Town Branch watershed. Some localized storm water and drainage issues may be present to the rear of the commercial building due to the steep topographic change from the two roadways. No storm water detention exists on the site, although the developer may need to address any existing issues on the property in accord with the Division of Engineering Storm Water Manual. There were some documented drainage problems within on block of this location in the September, 2006, storm.

Sanitary Sewers – Sanitary sewers exist to serve the subject property, and this area is served by the West Hickman Wastewater Treatment Facility, located in northern Jessamine County. The small proposed commercial addition most likely will not place any additional burden on the existing sanitary sewer system, so long as no new dwelling units or restaurants are proposed at this location.

Refuse – The immediate area is served by the LFUCG with collection on Tuesdays. Often businesses will contract for additional service with private refuse collection companies, if necessary.

Police – The nearest police station is the Central Sector Roll Call Center, located near the Eastland Shopping Center off Winchester Road, only ½ mile to the northeast of the subject property.

Fire/Ambulance – The nearest fire station (# 2) is located approximately 1½ miles to the northeast of this site on New Circle Road near Meadow Lane.

Utilities – Natural gas, telephone service, electric, water, streetlights, and cable television are all available to the subdivisions surrounding the subject property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 2) recommends Retail Trade and Personal Services (RT) and Medium Density Residential (MD) future land use for the subject property. The petitioner has requested a

Neighborhood Business (B-1) zone in order to expand a neighborhood shopping center and to provide additional off-street parking.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Residential (R-1C) zone to a Neighborhood Business (B-1) zone for approximately one-third of an acre at the southern corner of the Henry Clay Boulevard and Liberty Road intersection.

The subject property is comprised of two lots. One has frontage along Liberty Road, has a portion of an existing commercial structure, and has been granted approval of a Conditional Use Permit by the Board of Adjustment to extend the regulations of the adjoining B-1 zone 50 feet. The second has frontage along Henry Clay Boulevard and is currently occupied by a single-family residence and detached garage, sharing a driveway with the subject property. Both are currently zoned R-1C for single-family residential use, although the applicant proposes to fully incorporate the subject properties into the existing neighborhood shopping center.

The site is surrounded by the Henry Clay Subdivision, most of which has been developed with single-family residential land use. Immediately to the north and west of each property is the existing neighborhood commercial area, which has a recently renovated structure currently occupied by a restaurant, a retail establishment and a medical office. Additionally, a church is located in an R-1C zone at the northwest corner of the Henry Clay Boulevard and Liberty Road intersection.

The petitioners purchased the neighborhood shopping center about two years ago and renovated the existing structure. Since the renovation has been completed, the center has experienced a revitalization, which has led to some parking, solid waste service and delivery issues due to the layout of the site and space constraints. Access to the service area on the shopping center site is behind the structure, which is not paved and is primarily accessible via the residentially zoned property, via the shared driveway/access point, at 708 Henry Clay Boulevard. As such, the petitioner has proposed removing the residence in order to allow an addition to the commercial structure, provide additional off-street parking to the side and rear of the building and install a landscape buffer along the shared property lines with adjacent residential lots.

The 2007 Comprehensive Plan recommends Retail Trade and Personal Service (RT) land use for the portion of the subject property that has been approved for the Conditional Use Permit and utilized for commercial use historically (along Liberty Road). It recommends Medium Density Residential (MD) land use for the portion of the subject property with the existing single-family structure along Henry Clay Boulevard. Medium Density land use is defined as residential development at 0-8 dwelling units per gross acre.

The proposed zone change cannot be found to be entirely in agreement with the 2007 Comprehensive Plan, since it has a split land use recommendation. However, the request can be separated into two parts, and considered by the Planning Commission as such.

First, the requested B-1 zoning is in agreement with the land use recommendation of the Plan for the portion of 712 Henry Clay Boulevard, since it is recommended for Retail Trade and Personal Services land use. This portion of the zone change will bring the existing parcel into one zoning category for consistency, and eliminate the need for the Conditional Use Permit. Secondly, the requested B-1 zoning for 708 Henry Clay Boulevard is not in agreement with the residential land use recommendation, but the appropriateness of the proposed zoning can be considered.

The petitioners contend that the proposed B-1 zoning is appropriate and the existing R-1C zoning is inappropriate for several reasons. As mentioned previously, the shopping center and the residence share a gravel driveway; additionally, there is no landscape buffer or other separation between the business and

residential uses. Deliveries to the shopping center utilize this access point and driveway, as do solid waste service vehicles. These are very unusual circumstances for a neighborhood-oriented center. The petitioners also contend that the R-1C zoning is inappropriate because of the lack of landscaping and separation between the existing two uses, as well as the fact that a commercial driveway with truck traffic is sharing a driveway with the residential use.

The proposed use of this portion of the subject property for a small addition to the commercial structure, a parking lot for the neighborhood shopping center, and landscape buffering will improve the immediate area in multiple ways. The zone change will allow space for the required landscape buffering, per Article 18 of the Zoning Ordinance, to be installed along the side and rear property lines. It will also provide room for additional parking to the side and rear of the building and will help to alleviate some of the on-street parking issues that now exist due to the revitalization of the commercial area. Lastly, it will help strengthen the neighborhood shopping center by slightly increasing its size, improving the likelihood of its long-term viability. The existing B-1 zoned parcel does not have enough space to accommodate a landscape buffer without the removal of vehicular use areas. Thus, shifting the R-1C zoning boundary and the buffering to the south approximately 50 feet will permit an improved situation for the residential area that is remaining along Henry Clay Boulevard, Liberty Road and Clayton Avenue.

The petitioners also contend that the 2007 and 2012 Comprehensive Plan Goals and Objectives are supportive of small neighborhood centers, which can provide for a better quality of life and reduce travel demands (Theme A.2.a. and A.3.b.). The staff is in agreement.

Considering the residents in the adjacent residential subdivision, the staff is recommending further restricting the allowable uses, buffering and outdoor lighting on the subject property via conditional zoning restrictions. These restrictions are appropriate because the subject property is located on the edge of the Henry Clay Subdivision, and they will ensure that the subject property is buffered and lighted in an appropriate and sensitive way. The applicant is proposing a 6-foot-high privacy fence for screening, and a 5-foot-wide landscape buffer with one tree every 40 linear feet. The staff believes that shrubs that can achieve a mature height of three feet should be added between the required trees, and lighting should be limited (no pole light, pedestrian-scale only) at this location.

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

1. The requested Neighborhood Business (B-1) zone is in agreement with the land use recommendation of the 2007 Comprehensive Plan for a portion of 712 Henry Clay Boulevard, since it is recommended for Retail Trade and Personal Services land use. This portion of the zone change will bring the existing parcel into one zoning category for consistency.
2. The 2007 and 2012 Goals and Objectives of the Comprehensive Plan are supportive of sustainable small neighborhood centers, which can provide for a better quality of life within the immediate area and reduce travel demands (Theme A.2.a. and A.3.b.).
3. The requested Neighborhood Business (B-1) zone, with conditional zoning restrictions, is more appropriate than the existing zoning for 708 Henry Clay Boulevard for the following reasons:
 - a. The adjoining neighborhood shopping center and the single-family residence share a gravel driveway. Additionally, there is no landscape buffer or other separation between the business and residential uses. Deliveries to the shopping center utilize the access point and driveway, as do solid waste service vehicles.
 - b. The requested B-1 zoning will allow for a landscape buffer to be installed along the southwest property line, and will permit an adequate service and delivery area to be installed to the rear of the existing shopping center rather than deliveries being made from the public right-of-way.
 - c. The requested B-1 zone will permit a small addition to the shopping center and the addition of off-street parking to accommodate the current and proposed use of the shopping center.
 - d. Shifting the R-1C zone line to the south approximately 50 feet will provide adequate space to allow buffering and maneuvering on the site for improved circulation; this will improve the

quality of life for the residential properties that will remain in the area along Henry Clay Boulevard, Liberty Road and Clayton Avenue.

4. This recommendation is made subject to approval and certification of ZDP 2013-16: Henry Clay Subdivision #2, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
5. Under the provisions of Article 6-7 of the Zoning Ordinance, only the following use restrictions are recommended via conditional zoning for the subject property:

Prohibited Uses

- a. Automobile service stations.
- b. Tattoo parlors.
- c. Miniature golf courses.
- d. Carnivals and circuses, even on a temporary basis.
- e. Community centers.
- f. Drive-through facilities.
- g. Outdoor live entertainment.

Landscaping and Lighting Restrictions

- a. A landscape buffer shall be installed along the southwest and southeast property lines, which shall adhere to the Article 18 zone perimeter screening requirements, with the addition of 3-foot shrubs located between any required trees.
- b. No pole lighting may be installed on the subject property; however, ground-level lighting, lighting for pedestrian paths and sidewalks and indirect lighting shall be permitted.

Signage Restrictions

- a. No free-standing signs shall be erected within 25' of a residential zone.
- b. No directional signs shall be installed within 20' of a residential zone.

These restrictions are appropriate and necessary in order to ensure that the subject property can be appropriately buffered and to limit the intensity of the land use nearest to residential uses at the edge of an existing residential subdivision.

TLW/BJR/WLS

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