

STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

MAR 2015-2: DOUG CHARLES

DESCRIPTION

Zone Change: From a Highway Service Business (B-3) Zone
To a Neighborhood Business (B-1) Zone

Acreage: 0.345 net (0.465 gross) acre

Location: 2100 Liberty Road

EXISTING ZONING & LAND USE

| <u>Properties</u> | <u>Zoning</u> | <u>Existing Land Use</u> |
|--------------------------|----------------------|--|
| Subject Property | B-3 | Commercial |
| To North | I-1 | Utility Substation |
| To East | B-3 | Vehicle Sales Establishment |
| To South | R-1B | Single Family Residential and Commercial |
| To West | B-3 | Automobile Part Retail Sales Establishment |

URBAN SERVICES REPORT

Roads – The subject property fronts along Liberty Road (KY 1927) between the Wilderness Road/Christian Road intersection to the east and New Circle Road (KY 4) to the west. Liberty Road is a three-lane minor arterial roadway at this location. Future right-of-way improvements for the portion of Liberty Road between New Circle Road (KY 4) and Graftons Mill are currently scheduled for 2018-2020. The planned improvements include a widening with bicycle lanes, curb, gutter and sidewalk improvements. A shared vehicular access easement runs along the west side of the subject property, to the benefit of the commercial property to the south. A traffic barrier was installed parallel to the left turn lane onto southbound New Circle Road within the past year to help reduce traffic movements at and near the intersection of New Circle Road and Liberty Road. This traffic control does not appear to limit the ingress and egress from Liberty Road to the subject property.

Curb/Gutter/Sidewalks – No curbs, gutters, or sidewalks exist along this section of Liberty Road. All of these urban improvements are planned as part of the improvements to this section of Liberty Road in the *2040 Metropolitan Transportation Plan*. The existing right-of-way along Liberty Road appears to be wide enough to accommodate future improvements by the Kentucky Transportation Cabinet.

Storm Sewers – The subject property is located within the upper reaches of the West Hickman Creek watershed. Currently, stormwater facilities are not located anywhere on the subject property for the existing commercial use. Some nearby commercial projects have been developed with storm sewers or stormwater basins. Since the property is less than one acre in size, stormwater facilities may not be required for the property under the adopted Engineering Manuals. No FEMA floodplain or major flooding problems exist on the subject property.

Sanitary Sewers – The subject property is located in the North Elkhorn sewershed, which is served by the West Hickman Wastewater Treatment Plant in northern Jessamine County. Sanitary sewer capacity will need to be verified prior to certification or occupancy for the proposed change of land use at this location.

Refuse – The Urban County Government serves this portion of the Urban Service Area with refuse collection on Tuesdays. Commercial developments often contract for additional service.

Police – The nearest police station is located near the Eastland Shopping Center at the Central Sector Roll Call Center, on Goodwin Drive just off Winchester Road, about 1½ miles northwest of the subject property.

Fire/Ambulance – The nearest fire station (#9) is located approximately one mile southwest of the subject property on Richmond Road, near the Kentucky American Water company offices.

Utilities – Utilities, including natural gas; electric; water; cable television; and telephone service are all readily available in the area.

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 encourages growing successful neighborhoods (Theme A) through adaptive reuse that respects the area’s context and design features (Goal 2.a.); and creating jobs and prosperity (Theme C), with emphasis on creating jobs near where people live (Goal 1.d.).

The petitioner proposes a rezoning to a Neighborhood Business (B-1) zone in order to re-use the existing structure for an adult day care center to care for up to 24 persons, including off-street parking spaces. The proposed use is not a permitted use in the existing Highway Service Business (B-3) zone.

CASE REVIEW

The petitioner has requested a zone change from a Highway Service Business (B-3) zone to a Neighborhood Business (B-1) zone for less than ½ of an acre of property, located at 2100 Liberty Road.

The subject property is located on the south side of Liberty Road, 350 feet east of its intersection with New Circle Road. The property is bounded to the west and east by highway-oriented business land use and zoning. The property sits directly across Liberty Road (to the south) from a Kentucky Utilities substation (I-1 zoning), and is bounded to the north by a non-conforming commercial use in a residential zone. The subject property has been the location of a vehicle repossession lot for some time, but the business recently relocated to an industrial area within Lexington-Fayette County.

This portion of Liberty Road is characterized by highway-oriented commercial land use, both inside and outside of New Circle Road. Further to the east of this location, Liberty Road is characterized by large-lot residential, townhouse developments, and single-family residential. A Fayette County Public Schools (FCPS) property, that includes the Eastside Technical Center and a bus storage facility, is about a 1/4 mile to the east.

The petitioner, since relocating his business from this location, has been working with a small business owner who wishes to renovate the existing property for an adult day care center for the care of up to 24 persons. A text amendment, adopted in 2013, defined “adult day care center” for the first time and established regulations for this use in a limited number of office and business zones, including the proposed B-1 zone.

The 2013 Comprehensive Plan no longer includes a parcel-based land use map; rather, it encourages land use decisions to be made based upon small area plan recommendations, policy statements and the Goals and Objectives of the Plan. The petitioner contends that the requested rezoning for a Neighborhood Business (B-1) zone is in agreement with Theme A (*Growing Successful Neighborhoods*) and Theme C (*Creating Jobs and Prosperity*) of the 2013 Comprehensive Plan. The petitioner opines that the proposed rezoning is supported by Theme A, Goal 2, Objective a., which states: “Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area’s context and design features whenever possible,” as well as Theme C, Goal 1, Objective d., which encourages the creation of jobs near where people live. The petitioner is adaptively re-using the existing structures on the

property, while trying to improve the site's function and aesthetic for the proposed business. In addition, the petitioner quoted provisions in *Chapter 7: Maintaining Balance Between Planning for Urban Uses and Safeguarding Rural Land* of the 2013 Comprehensive Plan in support of utilizing an underperforming property for a new development in order to protect our rural land.

The staff concurs with the petitioner's justification for this zone change, but would also add that the proposed B-1 zoning is more appropriate along a minor arterial roadway than the current B-3 zoning. The B-3 zone is one of the community's most intense business zones, and is generally not encouraged very near residential areas. On the other hand, the proposed adult day care center is a support service, the owner of which has a desire to locate near residential development, so that the use can serve the area. Lastly, the B-1 zone will serve as an appropriate land use transition between the highway-oriented businesses along New Circle Road and the residential land uses a short distance to the east of this location, which will help to protect the neighborhood.

The Staff Recommends: Approval, for the following reasons:

1. The proposed zone change to a Neighborhood Business (B-1) zone is supported by several Goals and Objectives of the 2013 Comprehensive Plan, including:
 - a. Theme A (*Growing Successful Neighborhoods*), Goal 2, Objective a., which states: "Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible." The petitioner is adaptively re-using an existing building for a new use, while improving the character of the area through traffic management and landscaping improvements.
 - b. Theme C (*Creating Jobs and Prosperity*), Goal 1, Objective d., which encourages the creation of jobs near where people live. The property is located very near residential neighborhoods, and will provide a support or service use in the area that is not currently available.
2. *Chapter 7: Maintaining Balance Between Planning for Urban Uses and Safeguarding Rural Land* of the 2013 Comprehensive Plan supports the proposed reuse and renovation of an underperforming property inside the Urban Service Area, which, in turn, protects the community's rural land.
3. The requested Neighborhood Business (B-1) zone is appropriate for this location since the B-3 zone is one of the community's most intense business zones, and is generally not encouraged very near residential areas. On the other hand, the proposed adult day care center is a support or service business, the owner of which has a desire to locate near residential development, so that the use can serve the nearby residential area.
4. The Neighborhood Business (B-1) zone would provide an appropriate land use transition between the highway-oriented businesses along New Circle Road and the residential land uses further to the east of this location, promoting the Plan's emphasis on protecting existing neighborhoods.
5. This recommendation is made subject to the approval and certification of ZDP 2015-11: Pleasant Ridge Subdivision, Lot A, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

TLW/BJR/WLS

02/03/15

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