

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2012-15: MULLIS FAMILY, LLC

DESCRIPTION

Zone Change: From a Professional Office (P-1) zone
To a High Density Apartment (R-4) zone

Acreage: 5.77 net (9.93 gross) acres

Location: 161 & 181 Leestown Center Way

EXISTING ZONING & LAND USE

| <u>Properties</u> | <u>Zoning</u> | <u>Existing Land Use</u> |
|--------------------------|----------------------|---|
| Subject Property | P-1 | Vacant |
| To North | A-U & P-1 | Leestown Middle School & Professional Offices |
| To East | R-3, B-3 & I-1 | New Circle Road R-O-W, Townley Center, Town Branch Wastewater Treatment Plant |
| To South | I-1 & I-2 | Industrial |
| To West | A-U | Bluegrass Community and Technical College |

URBAN SERVICES REPORT

Roads – The subject property is bounded to the west by Leestown Center Way, and to the east by New Circle Road (KY 4). Leestown Center Way is a two-lane local street, which provides access to Opportunity Way to the west (via public street), and to Leestown Road (US 421) to the north (via access easement). Leestown Center Way is a vital connection to a signalized intersection at Opportunity Way and Leestown Road, northwest of this location. No new public streets are planned to be constructed by the developer for the proposed residential development.

Curb/Gutter/Sidewalks – Curbs and gutters exist along Leestown Center Way, and sidewalks exist along the west side of the street. Such features may be necessary internally, and if needed, should be provided by the developer.

Storm Sewers – The subject property is located in the Town Branch watershed, and is served by storm sewers that were constructed by the developer within the past decade. A retention basin was also constructed on the subject site, toward the southwest corner of the property, which will accommodate storm drainage. The existing infrastructure will need to be reviewed for compliance with the Engineering Manuals, given the proposed change of use. No known flooding problems exist on the subject property or in the immediate area.

Sanitary Sewers – The subject property is located in the Town Branch sewershed and is served by the Town Branch Wastewater Treatment facility located about ½ of a mile to the southeast of the property, inside New Circle Road near Leestown Road and Lisle Industrial Avenue. Existing sewer lines to the subject property should be adequate to serve the proposed residential development.

Refuse – This portion of the Urban Service Area is served by the Urban County Government with solid waste collection on Thursdays. Supplemental service or use of compactors, provided by private refuse companies, is often desirable for multi-family residential uses.

Police – The properties are located in Police Sector 1, and are served by the West Sector Roll Call Center, located on Old Frankfort Pike, approximately ½ mile to the southwest of the subject property.

Fire/Ambulance – The nearest fire station (#13) is located on Leestown Road, about one mile to the southeast of this location.

Utilities – Electric, gas, water, phone and cable television service are all existing in the area and can be extended into the subject property when developed.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 6) recommends Professional Services future land use for the subject property. The petitioner proposes an apartment complex with 84 dwelling units and associated off-street parking.

CASE REVIEW

The petitioner has requested a zone change from a Professional Office (P-1) zone to a High Density Apartment (R-4) zone for approximately 6 acres of property, located at 161 and 181 Leestown Center Way.

The site is located on the south side of Leestown Road, just outside New Circle Road, next to Leestown Middle School and Bluegrass Community and Technical College (formerly Central Kentucky Vo-Tech). Across Leestown Road is a business park, which is in a Light Industrial (I-1) zone, and across New Circle Road from the site is the Townley Center development and the Town Branch Wastewater Treatment facility.

The subject property was originally rezoned in 2000 from the Agricultural Urban (A-U) zone to the existing P-1 zone as part of a larger zone change. These two parcels comprising the subject property were proposed as part of a Professional Office Park Project with frontage along New Circle Road, and improved access to Leestown Road, as well as the development of Leestown Center Way. After more than a decade, the entire office project (five parcels) has been developed with a branch bank and an office building that is only partially occupied. The remainder of the site is development-ready, but no development has occurred. The applicant is now proposing to rezone the subject property to the R-4 zone in order to construct an apartment complex for 84 dwelling units with 108 bedrooms, and associated off-street parking.

The 2007 Comprehensive Plan recommends Professional Services (PS) future land use for the subject property, which is consistent with the existing P-1 zoning. The two most recent Comprehensive Plans have recommended Professional Services land use for the property; however, historically this narrow strip of land between the community college/middle school and New Circle Road has been recommended for High Density Residential (HD) land use, defined as 10-25 dwelling units per acre (from 1980 until 2000).

The proposed R-4 zone cannot be found to be in agreement with the land use element of the 2007 Comprehensive Plan. However, several Themes, Goals and Objectives of the 2012 Comprehensive Plan, which was recently adopted by the Urban County Council, are supportive of the applicant's request. The 2012 Comprehensive Plan's mission statement seeks to "provide flexible planning guidance;" and the proposed land use change is supported by Theme A.1.b., which encourages housing near employment and commercial areas, as well as Theme A.2.a., which encourages identifying opportunities for appropriate infill that respects the area's context and design features.

With 84 dwelling units proposed, the applicant is proposing to develop the property at a density of 14.56 dwelling units per acre. Dwelling units are a permitted use in the P-1 zone for the second floor and above, if professional office uses are located on the first floor; thus, some level of residential development would be allowed under the current P-1 zoning. The applicant does not believe such a mixed-use project would be feasible at this location, given the property's limited access and the lack of success of the existing office space in the immediate vicinity. For this reason, the applicant believes the appropriateness of the existing and proposed zoning should also be considered by the Planning Commission.

The applicant is now proposing residential development in order to develop the property with a land use that is compatible with surrounding uses. The largest land uses in the immediate area are Leestown Middle School and Bluegrass Community and Technical College, both of which are highly compatible with the proposed high density residential development. Higher density residential uses are also adjacent to a limited access expressway such as New Circle Road. This is evidenced by the nearby multi-family development across Leestown and New Circle Road known as Westchester on the Circle. Additionally, the unique qualities of the subject property (i.e., size, configuration and location relative to New Circle Road) make any land use subject to one major constraint -- access to the site. While site access was significantly improved with the construction of Leestown Center Way and therefore increased the ability to access the property from two directions (both north and west), the access changes do not appear to have been substantial enough to foster a successful Professional Office Park at this location.

For these reasons, returning to the previous recommendation of residential land use appears to be appropriate. In addition, the proposed land use would result in an appropriate transition between professional offices and educational facilities, as it can improve pedestrian and bicycle connections between the proposed dwelling units and the other two land uses.

The Staff Recommends: Approval, for the following reasons:

1. The requested High Density Apartment (R-4) zoning is appropriate and the Professional Office (P-1) zone is now inappropriate, for the following reasons:
 - a. Dwelling units are a permitted use in the P-1 zone for the second floor and above, if professional office uses are proposed on the first floor; thus, some level of residential development would be allowed under the current zoning. However, such a mixed-use project would not be feasible at this location, given the property's limited access and the lack of success for existing office space in the immediate vicinity.
 - b. The existing P-1 zone is not appropriate because of the limited access to the property. While site access was significantly improved with the construction of Leestown Center Way and the ability to access the property from two directions was increased, the access changes do not appear to have been substantial

enough to foster a successful Professional Office Park at this location. Acknowledging the previous Comprehensive Plan land use recommendations from 1980 until 1996 of High Density Residential land use, by rezoning the subject property to R-4, appears to be appropriate.

- c. The proposed R-4 zone and multi-family residential development are very compatible with the surrounding area. The largest land uses in the immediate area are Leestown Middle School and Bluegrass Community and Technical College, both of which are highly compatible with the proposed residential development. Higher density residential uses are also compatible with a limited access expressway like New Circle Road.
 - d. The proposed R-4 zone for a high density residential land use would be an appropriate transition between, or neighbor to, professional office and educational facilities, as it can improve non-vehicular connections and reduce vehicle trips between complimentary land uses.
2. The 2012 Comprehensive Plan's Goals and Objectives are supportive of the proposed zone change request. The Plan's mission statement seeks to "provide flexible planning guidance;" and the proposed change is supported by Theme A.1.b., which encourages housing near employment and commercial areas, as well as Theme A.2.a., which encourages identifying opportunities for appropriate infill that respects the area's context and design features.
 3. This recommendation is made subject to approval and certification of ZDP 2012-93: Leestown Office Park, Lots 4 & 5 (Amd.), 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

10/31/2012

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