

STAFF REPORT ON AN AMENDED PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-19-00001: CLOVER COMMUNITIES (AMD)

DESCRIPTION

Zone Change: From an Agricultural Urban (A-U) zone
To a High Density Apartment (R-4) zone

Acreeage: 8.332 net (8.385 gross) acres

Location: 3330 Todds Road (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-U	Church
To North	R-1E	Golf Course and Single Family Residential
To East	R-1D, R-4	Single Family Residential / Townhouses
To South	R-1D	Single Family Residential
To West	A-U, R-1D	Single Family Residential

URBAN SERVICES REPORT

Roads – The subject property is located on the south side of Todds Road (KY 1927), which was recently widened to a three-lane cross-section along the property’s frontage by the Kentucky Transportation Cabinet (KYTC). Putter Lane stubs into the subject property from the southwest, and additional frontage along Andover Woods Lane exists along the east edge of the subject property. The petitioner currently proposes to provide access to the residential development from Todds Road, without any connection to Putter Lane or Andover Woods Lane, utilizing an access drive.

Curb/Gutter/Sidewalks – Sidewalks, curbs and gutters exist along Todds Road, which were constructed by the KYTC during the road widening project in 2015. Putter Lane has all of these facilities, and they are expected to be extended with the completion of the street. Andover Woods Lane has these facilities on the southeastern portion of the roadway. Curbs, gutter and sidewalks are required on all public and private streets, and will be provided by the applicant.

Storm Sewers – The subject property is located in the East Hickman watershed. Storm sewers are available along the frontage of the subject property; however, due to the location of the proposed development relative to the topography of the site, the developer will be required to provide these facilities and upgrade existing facilities that are impacted at the time this property is developed. Although the Todds Road Tributary of the Jacobson Park Reservoir is located south of the subject property, within the golf course, the subject property is not located within a FEMA designated Special Flood Hazard Area.

Sanitary Sewers – The subject property is located in the East Hickman sewershed and is served by the West Hickman Wastewater Treatment facility in northern Jessamine County. The developer will need to provide an extension of the sanitary sewers as a part of the proposed residential development of the property. There is sanitary sewer capacity in this sewershed, but there are also a number of “grandfathered” sites within this sewer bank according to the Capacity Assurance Program.

Refuse – The Urban County Government serves this portion of the Urban Service Area with refuse collection to residences on Fridays.

Police – The nearest police station is located near the Eastland Shopping Center at the Central Sector Roll Call Center, approximately 4 miles northwest of the subject property, just off Winchester Road.

Fire/Ambulance – The nearest fire station (#21) is located less than ½ mile west of the subject property at the intersection of Mapleleaf Drive and Dabney Drive, south of Man O’ War Boulevard.

Utilities – All utilities including natural gas, electric, water, cable television, internet, telephone, and streetlights should be able to be extended to serve the subject property, as they have been provided to the surrounding residential developments in this 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 Plan's 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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; providing safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes to rezone the property to the High Density Apartment (R-4) zone to develop a four-story, senior housing development with 128 dwelling units. With the petitioner's amendment, this now represents a residential density of 15.36 dwelling units per net acre.

CASE REVIEW

The petitioner has amended their request for their zone change from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, and now requests a rezoning of approximately 8.3 acres of property, located on a portion of 3330 Todds Road.

The subject property is located on the south side of Todds Road, behind the Baptist Church of Andover. It is situated between a single family residence on a large lot, located to the northwest, and the Andover Club Villas, located to the southeast of the subject property. A portion of the former Andover Country Club golf course is located directly across Todds Road to the north and the Andover Woods subdivision borders the site to the southeast and west. The Brighton East, Autumn Ridge, Andover Hills, and Andover Forest subdivisions are also located within the immediate vicinity. The subject property is bounded on three sides by residential zoning (R-1D, R-1E and R-4), but all areas are developed with single-family residential dwelling units, either detached or attached. The majority of the church on the northern portion of the property is proposed to remain zoned Agricultural Urban (A-U), with the exception of the area proposed as a shared driveway, which is now proposed to be rezoned to the R-4 zone.

The surrounding neighborhoods are mostly low density residential (0-5 dwelling units per acre), and were developed in the late 1980s and early 1990s. The Andover Green subdivision, formerly part of the Williams Property, was developed and built in 1999 and 2000. The most recent development, the Andover Club Villas, which was also a portion of the Williams Property, was rezoned to a High Density Apartment (R-4) zone in 2014 and constructed at a density of 5.46 dwelling units per net acre. It is important to note that the

There are currently two stub streets, Putter Lane and Reuben Lane, which stub into the western side of the church property. Reuben Lane is not currently part of the portion of the subject property seeking a zone change. However, Putter Lane directly intersects the northwest portion of the property. Stub streets are only utilized when a future continuation is planned. Additional frontage along Andover Woods Lane is available along the southeastern portion of the property.

The amended application proposes to rezone the property to the R-4 zone in order to develop a four-story, 128-unit housing development for senior citizens at a residential density of 15.36 dwelling units per acre. The amended application has also shifted the driveway from the southern edge of the property, to the churches access point, splitting the church property. The revised corollary development plan filed in conjunction with this zone change depicts two access points into the site. The first access point is located off of a proposed access easement, which extends from Todds Road, through the Baptist Church of Andover's drive isle and parking lot, and connecting into the subject property. It is important to note that this access point does not represent frontage on Todds Road, which necessitates 50 feet, nor does it produce proper geometry of a potential lot per the LFUCG Land Subdivision Regulations. Increasing the intensity of use through the access point along Todds Road will need to be approved by the state, and the modification of the use of the access point will require the Baptist Church of Andover to seek a modification of their conditional use permit. The second access point extends Putter Lane, directly terminating the street into the proposed parking lot. This proposed access point does not depict a proper termination of a street, as determined by engineering manuals and the LFUCG Land Subdivision Regulations. The applicant has indicated to staff that at the time of the final development plan, they will seek a waiver for the lack of a proper termination on Putter Lane. While a waiver will be necessary to discuss at the time of the Final Development Plan, it is also incredibly important to discuss at the time of rezoning, as a waiver of the Land Subdivision Regulations very clearly relates to necessary infrastructure to support high density apartments, as well as connectivity (Theme A, Goal #3.b) and proper

neighborhood integration (Theme A, Goal #3) described in the 2013 Comprehensive Plan, and the adopted Goals and Objectives of the 2018 Comprehensive Plan.

While the applicant has amended their development plan, as well as the acreage and location of the proposed rezoning, their justification has remained unchanged. The petitioner opines that the zone change to the High Density Apartment (R-4) zone is consistent with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan by maintaining the Urban Service Boundary, while increasing the density of housing. The petitioner indicates that the rezoning of the site will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Goal #1) and supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). The applicant also suggests the zone change will allow for the production of safe, affordable, and accessible housing to meet the needs of older and/or disadvantaged residents (Theme A, Goal #1.c). Additionally, the applicant opines that this proposal also maximizes development on vacant land within the Urban Service Area and promote use of underutilized land in a way that enhances existing urban form (Theme E, Goal #1.a and 1.b; Theme E, Goal #3). The staff is generally supportive of the proposed use for senior housing; however, there remain significant concerns with the applicant's proposal and its relationship to the adjoining residential neighborhood.

Since the postponement of the application by the petitioner during the Planning Commission's Public Hearing on March 28, 2019, the petitioner has submitted an amended development plan for their zone change request, which addresses the need for a secondary access to the proposed site. By providing a secondary access point into the site the applicant has resolved one issue regarding connections necessary for emergency services (Theme A, Goal #4.c). However, despite the addition of the access point, the applicant has not addressed concerns of appropriate context with surrounding developments (Theme A, Goal #2.a), adequate neighborhood integration (Theme A, Goal #3), and connectivity (Theme A, Goal #3.b). These aspects of the site have been stressed in all meetings with the applicant and described in the staff's initial report.

The 2018 Goals and Objectives call for infill development that respects the character and context of an area whenever possible (Theme A, Goal #2.a). The proposed development seeks to establish new construction adjacent to established neighborhoods, without properly incorporating the site into the neighborhoods nor taking into account the height, scale, and massing of the proposed development. The Comprehensive Plan is clearly in support of increased density and the need to provide housing for our aging population. However, in instances of infill, any new development must look to the built environment surrounding the subject property and plan accordingly. The maximum height of the developments neighboring the proposed development are 35 feet and are comprised of one to two story residences. The applicant has proposed a four-story structure with a maximum height of 49 feet. While the ultimate height of the structure can be incrementally increased to 4 stories, the placement of a monolithic structure neighboring the single-family residences can dominate the landscape and result in a significant impact on the surrounding households.

Additionally, while the applicant opines that the development enhances the existing urban form (Theme E, Goal #1.d), the lack of a transition or buffering from the single-family residences to the proposed multi-family structure leads to the dominating of the landscape by the new use. Enhancement suggests both the addition of new services or forms of housing, and the inclusion of new development, that will not change the character of a neighborhood.

Furthermore, the proposed development does not adequately meet the Comprehensive Plan's goals for connectivity for all modes of transportation, and for creating an effective and comprehensive transportation system. The most recent development plan submitted by the applicant indicates two access points: the extension of Putter Lane and the access driveway to Todds Road. The site, in its current proposed form, has frontage on Putter Lane and Andover Woods Lane. Each of these frontages would allow for the continuation of a public street or a driveway to access the area of proposed rezoning. Any connection between the two public streets would allow for greater connectivity between the neighborhoods and greater access for emergency services. By terminating the stub street into the proposed development and cutting off future connections between Putter Lane and Andover Woods Lane, the applicant is reducing the availability of future connections and access for the neighborhood to the site.

In addition to the petitioners suggestion that the application for zone change meets the Comprehensive Plan, the applicant contends that the existing A-U zoning is inappropriate and the proposed R-4 zoning is appropriate. The staff agrees that the subject property's current zoning is inappropriate, as the intent of the Agricultural Urban (A-U) zone is to manage the growth of the community so to avoid premature or improper development until public facilities and services are adequate to serve urban uses. While staff would not posit that higher density would not work on the proposed site, without proper facilities and access, an R-4 zone is not appropriate at this location. While the impact of

the senior housing development may present a lower trip generation than other potential uses allowable within the R-4 zone, the applicant has not provided sufficient information as to how the site will be properly developed to meet the Zoning Ordinance nor the Land Subdivision Regulations within the written justification or the development plan. Additionally, the applicant has not sought to offer conditional zoning to restrict the site from the most intense uses. As such, the Planning Commission must not consider the site from the singular perspective of what is being proposed, but from the perspective of how the site can be used into the future because the proposed zone permits more intense land uses. In this case, staff is very concerned with the placement of a multifamily apartment complex well off of an arterial roadway, serviced primarily by an access easement, and allowing for little room for future modification should the elderly apartments fail. The goal of connectivity and location of the site is therefore heavily tied to the appropriateness of the High Density Apartment (R-4) zone. Without the availability of proper infrastructure, roadways and connectivity, for all uses within the R-4 zone, it cannot be considered appropriate at this time.

Finally, there have been no major changes of an economic, physical or social nature within the area involved, which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of such area.

Since the applicant has not provided information as to how the site will address the issues of adequate connectivity (Theme A, Goal #3.b), neighborhood integration (Theme A, Goal #3), appropriate context with surrounding developments (Theme A, Goal #2.a), and appropriateness of the R-4 zone staff must recommend disapproval of the zone change.

The Staff Recommends: **Disapproval**, for the following reasons:

1. The proposed rezoning of the subject property does not meet the 2013 Comprehensive Plan or the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The proposed development of the site does not respect the character and context of an area (Theme A, Goal #2.a) by not properly transitioning in height and massing of the proposed structure.
 - b. The lack of a transition or buffering from the single-family residences to the proposed multi-family structure leads to the dominating of the landscape by the new use, not an enhancement of the existing urban form (Theme E, Goal #1.d). Enhancement suggests both the addition of new services or forms of housing, and the inclusion of new development that will not change the character of a neighborhood.
 - c. The proposed development does not adequately meet the Comprehensive Plan's goals for connectivity for all modes of transportation (Theme A, Goal #3.b). By terminating the stub street into the proposed development and cutting off future connections between Putter Lane and Andover Woods Lane, the applicant is reducing the availability of future connections and limiting connectivity.
2. The Planning Commission must not consider the site from the singular perspective of what is being proposed, but from the perspective of how the site can be used into the future, as the proposed zone permits more intense land uses. The placement of a multifamily apartment complex well off of an arterial roadway, serviced primarily by an access easement, and allowing for little room for future modification should the proposed use fail, does not meet best practices. Furthermore, the goal of connectivity and location of the site is therefore heavily tied to the appropriateness of the High Density Apartment (R-4) zone. Without the availability of proper infrastructure, roadways and connectivity, for all uses within the R-4 zone, the rezoning is not appropriate at this location.
3. There have been no major changes of an economic, physical or social nature within the immediate area, which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of such area.

TLW/HBB/dw
4/3/2019

Planning Services/Staff Reports/MAR Amended/2019/PLN-MAR-19-00001 Clover Communities (AMD)