

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2015-7: PALUMBO PROPERTIES, INC.

DESCRIPTION

Zone Change: From a Single Family Residential (R-1D) zone
To a Planned Neighborhood Residential (R-3) zone

Acreeage: 13.81 net (14.47 gross) acres

Location: 564 Asbury Lane (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	R-1D	Vacant
To North	R-1D & R-3	Single-Family Residential & Nursing Home
To East	R-1D	Single-Family Residential
To South	A-U	Private Outdoor Recreation Facility (Lexmark)
To West	R-1D	Single-Family Residential & Vacant

URBAN SERVICES REPORT

Roads – Once the street is complete, the subject property will be bounded to the west by Silver Springs Drive, a local street in the Newtown Springs development. Within the immediate area, Citation Boulevard has been constructed for a distance of about 1,500 feet east of Newtown Pike (KY 922), at which point a two-lane half-section was constructed to the Silver Springs Drive intersection, where it currently terminates. The Citation Boulevard corridor extends westward between Newtown Pike and Jaggie Fox Way, west of Georgetown Road (US 25). Construction of Citation Boulevard from Jaggie Fox Way, through the Masterson Station area, to Leestown Road (US 421) at Alexandria Drive was completed late last year. Future access points eastward along Citation Boulevard have already been anticipated for intersections at Winburn Drive and Asbury Lane. The subject property is only accessible via the half-section improvement of Citation Boulevard and then Silver Springs Drive. The petitioner will be required to complete Silver Springs Drive along the frontage of the subject property. Hollow Creek Drive, a collector street 50 years old, stubs into the subject property from the southeast. In intersects Russell Cave Road (KY 353) north of New Circle Road (KY 4).

Curb/Gutter/Sidewalks – Silver Springs Drive was constructed with curb and gutter; however, public sidewalks are intermittent. The petitioner will be expected to construct curb and gutters when they build the final connection of Silver Spring Drive, including sidewalks along the entire frontage of the subject property. Generally, the Citation Boulevard right-of-way is devoid of any such improvements; however, they are expected to be built as part of the construction of the roadway in the future. Any extension of Hollow Creek Drive will also be expected to have these urban improvements.

Storm Sewers – The subject property is located within the Cane Run watershed. Modern storm sewer facilities exist within the developed portion of the Newtown Springs subdivision. In addition, some stormwater issues exist related to runoff from the property onto adjacent properties, likely due to construction material storage. The property is also located within the Royal Spring Wellhead Protection Area, which is the ground water source for the City of Georgetown. There are no known flooding problems on the subject property or in the general vicinity. All stormwater management and improvements necessary to accommodate any increased density on the property shall be constructed in accordance with the adopted Division of Engineering Stormwater Manual.

Sanitary Sewers – The subject property is located within the Cane Run sewershed, which is served by the Town Branch Wastewater Treatment Plant, located about 3 miles to the southwest of the site. The Capacity Assurance Program (CAP) data indicates that the current sanitary sewer bank has a small balance, and is not sufficient to allow the proposed land use and density proposed. However, the subject property does have a “grandfathered” development plan dating from 2006, which permits some level of development and system connections. Any sanitary sewer improvements on this property will need to be accepted by the Division of Engineering and constructed in accordance with the adopted LFUCG Engineering Manuals.

Refuse – The Urban County Government currently serves this area with collection on Thursdays. It is common practice that additional private waste removal services are provided for apartment complexes.

Police – The nearest police station is the West Sector Roll Call Center, located on Old Frankfort Pike, just inside New Circle Road, approximately 4½ miles to the southwest of the subject property.

Fire/Ambulance – Fire Station #10 is located approximately 2 miles southwest of this location on Finney Drive, near the New Circle Road and Georgetown Road interchange.

Utilities – All utilities, including gas, electric, water, phone, and cable television, exist in the immediate area and can be extended to serve the subject property. Street lights were recently installed in the single-family residential portion of the Newtown Springs subdivision.

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.

In addition to the Comprehensive Plan mission statement, the Goals and Objectives of the Plan also encourage growing successful neighborhoods (Theme A), which includes the following elements or characteristics: inviting landscape; variety of housing choices; abundant private and public open space; neighborhood focal points; and quality connections with parks, schools and stores.

The petitioner proposes the rezoning in order to construct an apartment complex for 246 dwelling units, with 492 bedrooms, a clubhouse and associated off-street parking.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone for a portion of property with an address of 564 Asbury Lane.

The subject property is about 14 acres located in the southeast corner of the 80-acre Newtown Springs development, which is generally located on the southeast corner of the intersection of Citation Boulevard and Newtown Pike. The property is bounded on both the west (Newtown Springs) and east (Hollow Creek and Green Acres) by single-family residential zoning, to the north by a nursing home and assisted living facility (R-3 zoning) and to the south by Lexmark's private outdoor recreation facility (I-1 zoning). Also in the vicinity are the Newtown Springs commercial area (undeveloped) and the Griffin Gate Center and Office Park. This subject parcel is currently vacant.

After postponing their application for several months, the petitioner now proposes to construct an apartment complex with 246 dwelling units, and 492 bedrooms, within the Newtown Springs development. The complex is to have a mixture of two-story and three-story buildings, with an accessory clubhouse.

Formerly, the 2007 Comprehensive Plan's Land Use Element recommended a Low Density Residential (LD) land use for the subject property, defined as 0-5 dwelling units per net acre, which is consistent with the current R-1D zoning of the property. That previous Plan also recommended the same of the Green Acres subdivision and about 37 additional acres of the Newtown Springs subdivision. The remainder of Newtown Springs, closer to Newtown Pike, was recommended for a mixture of land uses – Medium Density Residential, Professional Services, Retail Trade & Personal Services, and Highway Commercial. The property has been the subject of several zone change requests in the past, finally gaining approval in 2001 following a change to the Comprehensive Plan's Land Use Element earlier that same year.

The 2013 Comprehensive Plan no longer makes a specific land use recommendation for the subject property. The petitioner contends that the proposed rezoning is in agreement with the 2013 Comprehensive Plan because the Goals and Objectives encourage expanding housing choices (Theme A, Goal #1); supporting opportunities for infill, redevelopment and adaptive reuse that respect an area's context and design features (Theme A, Goal #2a.); and encouraging the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1b. and #3). In addition, the staff would note that the Goals and Objectives of the Plan also encourage providing for well-designed neighborhoods (Theme A, Goal #3); and preserving urban neighborhoods (Theme D, Goal #3c.).

However, development of two and three-story apartment buildings very near two established single-family residential neighborhood has been of some concern to the staff. The staff believes that this proposed development could impact the two adjacent subdivisions. Ultimately, the staff believes that any high-density residential uses would be

better directed more toward the Citation Boulevard or Newtown Pike (arterial roads) frontages for Newtown Springs, where the impact on established low-density neighborhoods can be minimized. Such an approach would more fully meet the current Comprehensive Plan's Goals and Objectives and policy statements about compatible development and respecting existing neighborhoods.

Further, while providing a range or variety of residential uses within a neighborhood is usually considered a positive quality, the Goals and Objectives of the current Comprehensive Plan call for a balanced approach in doing so. An example of this is the new nursing home and assisted living facility to the north of this location, which was approved with minimal impact upon the two existing neighborhoods in this vicinity. In considering the requested rezoning, there have not been any unanticipated changes in the immediate area of a social, physical or economic nature that have significantly changed the immediate area since the 2013 Comprehensive Plan was adopted.

Lastly, and most importantly, the subject property is located within the boundaries of a Small Area Plan that kicked-off within the last two months. The Winburn and Russell Cave Neighborhoods Small Area Plan (WRCN SAP) boundaries were established to reach from Russell Cave Road to Newtown Pike, and from the Interstate to New Circle Road. This area was recommended for a Small Area Plan by the 2013 Comprehensive Plan (page 46) in order to guide growth or development within the vacant or underutilized properties in the area, to promote neighborhood stabilization and revitalization, and to establish improved connectivity for the area. Since the Small Area Plan is underway, the proposed zone change should not proceed, and the staff considers it premature.

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

1. The subject property is located within the boundaries of the Winburn and Russell Cave Neighborhoods Small Area Plan (WRCN SAP), which is currently under development. The Planning Commission should consider the proposed increase in residential density in the broader context of the Small Area Plan, rather than via an individual zone change request. For this reason, the current zone change request is premature.
2. The requested rezoning is not in agreement with several Goals and Objectives of the 2013 Comprehensive Plan. It would not have in agreement with the 2007 Plan either.
3. There have not been any unanticipated changes in the immediate area of a social, physical or economic nature that significantly changed the immediate area since the 2013 Comprehensive Plan was adopted.

TLW/BJR/WLS

1/6/2016

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