

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

**MAR 2016-5: MARY G. & D. GREGORY GERMOND, CO-TRUSTEES OF
THE MARY G. GERMOND IRREVOCABLE TRUST**

DESCRIPTION

Zone Change: From An Agricultural Urban (A-U) zone
To a Neighborhood Business (B-1) zone

Acreeage: 0.43 net (0.46 gross) acres

Location: 3080 Old Todds Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-U	Vacant
To North	R-1D/H-1	Single Family Residential /Historic District
To East	B-1	Shopping Center
To South	B-1 & R-3	Parking & Multi-Family Residential
To West	R-3	Townhouse Residential

URBAN SERVICES REPORT

Roads – Old Todds Road is a collector street that was formerly a rural state highway. It borders the subject property to the north, a very short distance west of its intersection with Cadentown Road – formerly Liberty Road. Old Todds Road extends beyond that intersection to a signalized intersection with the relocated Liberty Road. The intersection of Man o’ War Boulevard with Liberty Road and Todds Road is one of the busiest in this portion of the Urban Service Area. No access is proposed to the subject property itself from Old Todds Road; only parking lot connections to the adjacent commercial property are proposed at this time.

Curb/Gutter/Sidewalks – The frontage of the subject property has no curb, gutter or sidewalks. However, properties on both sides of the subject site do have these urban roadway improvements. Such improvements should be considered for the subject site.

Storm Sewers – The subject property is located in the upper reaches of the East Hickman watershed. The subject property drains to a storm water retention basin to the south of Man o’ War Boulevard. From there, the storm water drains through the Mapleleaf Forest Park, and then to the Jacobson Reservoir to the south. Given the small size of the subject site, it is uncertain as to whether or not its development will require additional storm water facilities.

Sanitary Sewers – The subject property is located in the East Hickman sewershed, which is served by the West Hickman Wastewater Treatment Plant in northern Jessamine County. The existing use does not have sanitary sewer service, and the proposed parking lot use of the site will not require any sanitary sewers to serve the property.

Refuse – The Urban County Government serves this portion of the Urban Service Area with collection on Fridays. Although commercial developments often supplement this service by using a private service provider to accommodate the specific needs of businesses, the proposed use of the property will not generate the need for this service.

Police – The subject property is located within the Police Sector 3 (East Sector), although the nearest police station is located approximately 3½ miles northwest of the property, at the Central Sector Roll Call Center near Eastland Shopping Center.

Fire/Ambulance – The nearest fire station to the property is Station #21, located about ¼ of a mile to the south, at the intersection of Mapleleaf Drive and Dabney Drive.

Utilities – Natural gas, telephone service, electric, water, streetlights, and cable television all currently serve or are available to the area surrounding the subject property, although few of those utilities will be required for the proposed use of the property.

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, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a Neighborhood Business (B-1) zone in order to expand the available off-street parking for the adjoining Todds Center, a neighborhood shopping center, by approximately 48 spaces.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural Urban (A-U) zone to a Neighborhood Business (B-1) zone for about ½ acre located on the south side of Old Todds Road, west of its intersection with Liberty Road.

The subject property is located immediately west of the Todds Center shopping center, which is anchored by a Buffalo Wild Wings restaurant and a Ken Towery's Auto Service Center. The subject site has been in an Agricultural Urban (A-U) zone since 1969, although residential development borders the property to the north and west, and commercial developments have occurred to the south and east.

The petitioner proposes to expand the center's off-street parking onto the subject property in order to better serve the existing tenants in the shopping center. Due to the mix of tenants, there are times when available parking spaces are very limited. The additional 48 parking spaces proposed will allow for adequate parking during those times and will permit a wider range of possible tenants in the available space in the shopping center.

The 2013 Comprehensive Plan focuses on general land use policies, such as land use compatibility; well-designed neighborhoods; improving a desirable community; and making the best use of land inside the Urban Service Boundary for the protection of the surrounding rural areas. The Plan no longer relies upon a future land use map. However, the general concepts, policies and guiding principles of the Plan should always be considered.

The petitioner contends that the proposed rezoning is in agreement with the 2013 Comprehensive Plan, in that the subject site can support the existing Todds Center, part of the neighborhood node that supports this portion of the Urban Service Area; the proposed shopping center expansion is compatible with the land use and zoning of the area (respectful of the area's context) (Theme A, Goal #2a); the proposed expansion will not impact the adjoining residential land use and will allow for pedestrian access along Old Todds Road (Theme D, Goal #1); and the proposed development of the subject property will place underutilized land to a productive use in support of existing businesses in the community (Theme E).

The site remains an underutilized site, and should be considered for a possible change to an alternative use in order to better serve the needs of the community and permit one underutilized site to be re-purposed within the Urban Service Area. In addition, the development will be able to use the existing infrastructure and transportation networks (which are adequate to serve both the traveling public and the expanded shopping center use), with the exception of the sidewalk and curb improvements that would be required along Old Todds Road. Lastly, the proposed zoning is consistent with the adjoining shopping center, and compatible with other commercial uses and the townhouse development to the immediate west. The required land use buffer and landscaping, as well as the existing entrance drive for the residential development will provide an adequate buffer for the proposed parking lot, itself a very low intensity land use. For these reasons, the staff agrees that the proposed zone change is in agreement with the Comprehensive Plan and is appropriate at this location.

The Staff Recommends: Approval, for the following reason:

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of the Plan state that the community should work to achieve an effective and comprehensive transportation system by making pedestrian and other transportation connections (Theme D, Goal #1); that infill and redevelopment should respect an area's context and design features (Theme A, Goal #2a); and that underutilized and vacant land should be utilized to encourage compact and contiguous development within the Urban Service Area (Theme E, Goal #1).
 - b. The proposed zoning is compatible with the adjoining shopping center, which is predominantly zoned B-1, as well as most other commercial uses in the vicinity. Additionally, the landscape buffer for the proposed parking lot, along with the adjacent entrance drive, will provide an adequate land use buffer from the townhouses to the west to the shopping center.
 - c. The proposed rezoning will encourage the continued success of a neighborhood commercial node that serves this portion of the Urban Service Area.

- d. The proposed expansion will not adversely impact the adjoining residential land use and will allow for pedestrian access along Old Todds Road.
 - e. The proposed development of the subject property will put an underutilized tract to a productive use in support of existing businesses in the community.
2. This recommendation is made subject to approval and certification of ZDP 2016-21: Brighton Place Shoppes, Phase II, (Gillis Property), 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

3/3/2016

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