

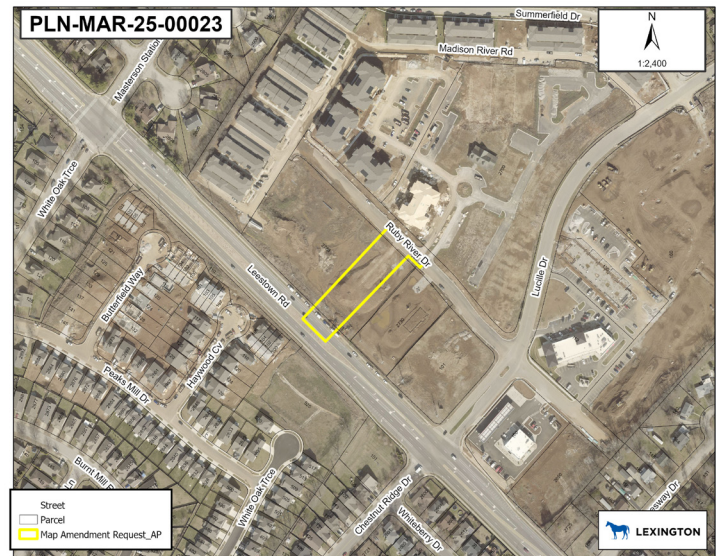
# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-25-00023:ANDERSON VILLAGE AT GREAT ACRES,LLC

## DESCRIPTION OF ZONE CHANGE

Zone	From: Planned Neighborhood Residential (R-3)
Change:	Zone
	To: Corridor Business (B-3) Zone
Acreage:	0.658 net (0.885 gross) acres
Location:	2788 Ruby River Drive, a portion of

## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-3/ B-3	Vacant
To North	R-3	Residential
To East	B-3	Commercial
To South	R-3	Residential
To West	R-3	Residential



## URBAN SERVICE REPORT

**Roads** - Leestown Road (US 421), which borders the subject property to the southwest, extends from downtown to the Fayette/ Scott County line. Leestown Road has undergone numerous widening projects from New Circle Road to the Bracktown Road intersection, near the Urban Service Area boundary. The cross-section for Leestown Road varies from four to six lanes (counting dedicated turn lanes) along the subject properties' frontage. Lucille Drive and Ruby River Drive are collector and local streets, respectively, that are both in the vicinity of the subject property.

**Curb/Gutter/Sidewalks** - Curbs, gutters and sidewalks were recently installed along Leestown Road as part of its widening project when it was expanded to a divided highway. Curbs and gutters are present along Lucille Drive and Ruby River Drive and sidewalks are required to be constructed as each parcel develops.

**Utilities** - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve the proposed development.

**Storm Sewers** - The subject property is located within the Town Branch watershed. The developer will be required to address stormwater management on the subject property in compliance with the Engineering Stormwater Manual. There are no known flooding issues on the subject property.

**Sanitary Sewers** - The subject property, as well as the entire surrounding area, are within the Town Branch sewershed. The Town Branch Wastewater Treatment Plant is located approximately two miles to the southeast of the site.

**Refuse** - Refuse collection is provided by the Urban County Government on Thursdays in this part of the Urban Service Area. Oftentimes, commercial and multi-family residential properties contract with private companies for more frequent service, which may be necessary for the proposed development.

**Police** - The subject site is within Police Sector 1 and is served by the West Sector Roll Call Center, which is located on Old Frankfort Pike, less than two miles to the southeast of the site.

**Fire/Ambulance** - The nearest fire station (Station #24) is located on Magnolia Springs Drive, about 1 1/3 miles east of the property.

**Transit** - LexTran Route #12 provides service within close proximity of the subject property.

**Parks** - Masterson Station Park is located approximately 3/4 of a mile northwest of the subject property.

## SUMMARY OF REQUEST

The applicant is seeking to rezone the subject property in order to construct a commercial use.

## PLACE-TYPE

**ENHANCED NEIGHBORHOOD** An existing residential area to be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options. Development should be context-sensitive to surrounding areas and should add to the sense of place. Incorporating multimodal connections is crucial to neighborhood success and viability.

## DEVELOPMENT TYPE

**LOW DENSITY NON-RESIDENTIAL/MIXED USE** Primary Land Use, Building Form, & Design  
Primarily neighborhood-serving commercial uses, services, places of employment, and/or a mix of uses within low to mid-rise structures appropriately scaled to the surrounding neighborhood. Mixed-use structures can include a mix of residential, commercial, services, and/or employment uses, and an activated and pedestrian-scale ground level should be provided. Developments with a residential component are generally non-residential on the ground floor with units above, providing opportunities for live/work arrangements. The retail/service options typically include boutique-type establishments, neighborhood restaurants or pubs, and/or neighborhood-serving services like dentists, daycares, etc., and the places of employment are small offices.

Transit Infrastructure & Connectivity

Bicycle and pedestrian connections to adjoining neighborhoods, and buildings oriented to the street are required to ensure the non-residential enhances nearby neighborhoods by creating a truly walkable environment.

Parking

Parking should be minimized and, where necessary, located internally.

## PROPOSED ZONING

**B-3**

The intent of this zone is to provide for retail and commercial uses, which are necessary to the economic vitality of the community but may be inappropriate in the more neighborhood oriented zones. Development in this zone should front on an arterial or major collector roadway and should serve the needs of the broader Lexington community. Consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs. Developments should avoid nuisance impacts of light, air, and sound that may be caused on adjacent neighborhoods. Where necessary, developments should include service roads to reduce the impact on highway movement, while also providing appropriate frontage to meet the needs of businesses. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

## PROPOSED USE



The applicant is proposing the rezoning of the subject property to construct a single-story, 3,100 square-foot bank, with three drive-through lanes. 31 parking spaces are proposed at this time.

## APPLICANT & COMMUNITY ENGAGEMENT



The applicant has not provided any information regarding efforts at public engagement.

## PROPERTY & ZONING HISTORY



The subject property was originally zoned Agricultural Urban (A-U) prior to the comprehensive rezoning of the city and county in 1969. Since that time, this area of Leestown Road has experienced significant growth and this property was rezoned to Planned Neighborhood Residential (R-3) and Corridor Business (B-3) in 2016 (MAR 2016-6).

## COMPREHENSIVE PLAN COMPLIANCE



The 2045 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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.

### GOALS, OBJECTIVES & POLICIES

The applicant opines that they are in agreement with the adopted Goals, Objectives and Policies of the 2045 Comprehensive Plan. The applicant indicates that their proposal will follow the design guidelines of the adjacent Great Acres development and will integrate well with those structures (Theme A, Goal #2.b). The applicant also states that this project will create jobs with livable wages and feature an active, engaging site design (Theme C, Goal #1.a, Goal #2.a, and Theme D, Goal #2.d).

Staff has identified several aspects of the Goals, Objectives, and Policies of the 2045 Comprehensive Plan that the applicant should respond to:

*Theme E, Goal #1.e: Maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features;*

*Density Policy #1: Locate high density areas of development along higher capacity roadways (minor arterial, collector), major corridors & downtown to facilitate future transit enhancements.*

*Connectivity Policy #3: Encourage Transit-Oriented Development, increase density along major corridors, and support transit ridership, thus reducing Vehicle Miles Traveled (VMT).*

The applicant should provide greater information regarding the proposal's density, and the Comprehensive Plan's call for intensifying our major corridors.

### PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject property. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2045 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant has indicated that the site is located within the Enhanced Neighborhood Place-Type, and the Low Density Non-Residential/Mixed Use Development Type. While staff agrees that the request is representative of Low Density Non-Residential Development, staff does not agree with the applicant's choice in Place-Type. The property has frontage along Leestown Road, one of Lexington's busiest corridors. While there are residential uses within the greater vicinity, the subject property is not integrated within the neighborhood itself.

The choice in Place-Type has significant implications on the Development Type that is recommended within



the Comprehensive Plan, as well as the recommended zones, and the Placebuilder Criteria that are used to evaluate their conformance with the Comprehensive Plan.

In staff's review, the property's location along a major corridor, within a commercial development and oriented towards the traveling public, all indicate that the most appropriate Place-Type as being a Corridor. Within the Corridor Place-Type, the applicant's requested Corridor Business (B-3) zone is recommended; however, the only recommended Development Types are medium or higher density. The applicant should provide information relating to their proposal in light of this Place-Type, this density of Development Type, and respond to the corresponding Placebuilder criteria.

#### STAFF RECOMMENDS: **POSTPONEMENT** FOR THE FOLLOWING REASONS:



1. The applicant should provide information relating to their public outreach efforts.
2. The applicant should address the following Goals, Objectives, and Policies of the Comprehensive Plan:
  - a. Theme E, Goal #1.e: Maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features;
  - b. Density Policy #1: Locate high density areas of development along higher capacity roadways (minor arterial, collector), major corridors & downtown to facilitate future transit enhancements.
  - c. Connectivity Policy #3: Encourage Transit-Oriented Development, increase density along major corridors, and support transit ridership, thus reducing Vehicle Miles Traveled (VMT).
3. The applicant should provide further information regarding the Corridor Place-Type, and the Medium Density Non-Residential Development-Type, and the respective Placebuilder Criteria.

## STAFF REPORT ON VARIANCE REQUEST



As part of their application, the petitioner is also seeking a dimensional variance to increase the allowable width of Vehicular Use Area from 60 feet to 110 feet for the parking lot along Leestown Road.

Before any variance is granted, the Planning Commission must find the following:

- a. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Planning Commission shall consider whether:
  1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
  2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
  3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Planning Commission shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

### ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 16-6(a)(2) states that a maximum of two (2) bays of surface parking with a single drive aisle, or a vehicular use area of up to sixty (60) feet in depth as measured perpendicular to the street, whichever is greater, shall be permitted between the building and the street, except otherwise prohibited by a maximum setback.

### CASE REVIEW

The applicant is seeking a dimensional variance for the southwestern portion of the proposed lot in order to increase the maximum amount of allowable pavement from 60 feet to 96 feet.

The applicant's proposed design features a 3,100 square-foot bank, with three drive-through lanes. The applicant opines that the operational needs of their use dictate that a greater amount of paving is needed within this area to support the use, and that the drive-through lanes and multiple parking lanes are necessary.

There are several aspects of the request that require further explanation by the applicant. The applicant should provide further information regarding the special circumstances unique to the subject property that would necessitate the requested variance, as the site is a greenfield development with just over seven percent lot coverage. The applicant should also provide information as to why the design of the site could not be altered to meet the requirement. Finally, the applicant should discuss the impact of the proposed variance on the pedestrian circulation and experience within the area.

### STAFF RECOMMENDS: **POSTPONEMENT** FOR THE FOLLOWING REASONS:

1. The applicant should provide further information regarding the special circumstances of the property that justify the need for the variance.
2. The applicant should provide greater information on as to how redesigning the site or its layout to meet the regulation is depriving the applicant of use of the property.
3. The applicant should provide greater information discussing the impact of the proposed variance on the pedestrian experience within the area.