

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2013-19: RTA FAMILY TRUST, ROYCE G. PULLIAM, TRUSTEE

DESCRIPTION

| | | | | |
|---------------------|-----------------------|------------------|-----------------------|---------------------|
| Zone Change: | <u>REQUEST</u> | | <u>ACREAGE</u> | |
| | <u>FROM</u> | <u>TO</u> | <u>NET</u> | <u>GROSS</u> |
| | R-3 | B-1 | 0.8108 | 1.0549 |
| | P-1 | B-1 | <u>0.7561</u> | <u>0.8127</u> |
| TOTAL | | | 1.5669 | 1.8676 |

Location: 1009 and 1017 Wellington Way

EXISTING ZONING & LAND USE

| | | |
|--------------------------|----------------------|---------------------------------|
| <u>Properties</u> | <u>Zoning</u> | <u>Existing Land Use</u> |
| Subject Property | R-3 & P-1 | Child Care Center & Vacant |
| To North | A-U & P-1 | Vacant & Athletic Facility |
| To East | P-1 | Bank & Veterinary Clinic |
| To South | P-1 & B-1 | Athletic Facility & Restaurant |
| To West | P-1 | Professional Offices |

URBAN SERVICES REPORT

Roads – Harrodsburg Road (US 68) is a major arterial with four travel lanes and two turn lanes at its intersection with Wellington Way in the vicinity of the subject property. Wellington Way, which borders the property to the southwest, is a collector street within the Palomar Shopping Centre. The Harrodsburg Road and Wellington Way intersection is controlled by a traffic signal. Palomar Centre Drive is an access easement that provides vehicular access through the shopping center and the commercial properties on the northeast side of Wellington Way, near Harrodsburg Road. Palomar Centre Drive borders the subject property to the southeast. No roadway improvements are planned with the proposed development of the subject property.

Curb/Gutter/Sidewalks – In this area, Harrodsburg Road does have curb and gutter, but not sidewalks. Wellington Way and Palomar Centre Drive do have all of these urban improvements along the subject property’s frontage. (While these improvements were constructed along the property’s frontage, they do not continue to either the north or south.)

Storm Sewers – The subject property is located within the South Elkhorn watershed, and there are no known flooding issues in the immediate area. Storm sewers have been constructed along Wellington Way and are planned to be utilized by this development. A stormwater retention basin easement exists near the west corner of the subject property along Wellington Way, although the corollary development plan depicts off-street parking in this area. Stormwater management, in general; and this conflict, specifically, will need to be addressed through the development plan review process.

Sanitary Sewers – The subject property is located within the South Elkhorn sewershed, and is served by the West Hickman Wastewater Treatment Plant located in northern Jessamine County. Sanitary sewers are available along Wellington Way to serve this property for development, and the South Elkhorn pump station has been recently upgraded downstream of this location.

Refuse – The Urban County Government services this area with refuse pickup on Mondays. Some commercial developments will choose private refuse collection to replace or supplement the Urban County Government service.

Police – The nearest police station is the Main Headquarters located on Main Street, approximately five miles northeast of the subject property.

Fire/Ambulance – The nearest fire station (#20) is located near the corner of Harrodsburg Road and Arrowhead Drive, in the Indian Hills Subdivision, about ¾ mile to the northeast of the subject property.

Utilities – All utilities, including natural gas, electric, street lights, water, phone, and cable television exist in this area of the community to serve the proposed development.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 11) recommends Professional Services (PS) future land use for the subject property. The petitioner proposes a three-story building with retail uses and a coffee shop on the first floor, and professional offices on the second and third floors. Conditional zoning restrictions are proposed by the applicant to limit the use of the property, and a dimensional variance to the height of the building is also being requested with this zone change request.

CASE REVIEW

The petitioner has requested a zone change from a Planned Neighborhood Residential (R-3) zone and a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone with conditional zoning restrictions for about 1.5 acres of property located at 1009 and 1017 Wellington Way.

The property is located on the north side of Wellington Way, approximately 350 feet northwest of its intersection with Harrodsburg Road. The property is comprised of two parcels--one that is zoned R-3 and is currently occupied by the La Petite Academy, and a second parcel that is zoned P-1 and remains vacant. The subject property has frontage along Wellington Way, as well as Palomar Centre Drive.

The area is characterized by mostly commercial development, including several athletic facilities, a Panera restaurant, office condominiums, several branch banks, a veterinary clinic, the Palomar Shopping Centre and a vacant parcel to the north that is proposed for residential and professional office development.

The subject property was originally rezoned in 1988 to a Planned Neighborhood Residential (R-3) zone to accommodate the existing child care center. At that time, the 1988 Comprehensive Plan recommended a combination of professional services (along Harrodsburg Road) and high density residential (along Wellington Way) future land use. The child care center was granted approval by the Board of Adjustment as a conditional use. La Petite Academy was constructed in 1990, smaller than was originally planned, which left a fraction of an acre of land vacant to the west and north of the center. Over time, the land use recommendation for residential development along Wellington Way has been reduced. In 2002, the vacant parcel was re-zoned to a Professional Office (P-1) zone in agreement with the 2001 Comprehensive Plan in the hopes of finding a suitable user for the property; however, the parcel remains vacant.

The applicant has requested a restricted B-1 zone in order to develop a three-story building with retail sales and a coffee shop on the first floor, and professional offices on the second and third floors. The building is proposed to be 23,300 square feet in size, with three-drive through lanes and associated off-street parking. The existing child care center is planned to be demolished, and the existing storm basin removed to allow for off-street parking.

The 2007 Comprehensive Plan, like the 2001 Plan that preceded it, recommends Professional Services (PS) future land use for the subject property in its entirety. The existing child care center, zoned R-3, is considered a professional service land use; and the remainder of the property is already zoned P-1, in agreement with the land use recommendation of the Plan.

Since the applicant wishes to utilize the property primarily for professional services use, and hopes to add first-floor retail and/or restaurant uses, they contend that their request is in substantial agreement with the Comprehensive Plan. The staff agrees. In a large enough development, a Professional Office (P-1) zone would allow these uses in an office building of 40,000 square feet. The applicant's proposal does not meet all of those strict requirements, and this is their alternative proposal to achieve a similar end. They are addressing the basic use recommendation of the Land Use Element, and they contend that they are providing needed uses or services to the immediate neighborhood as well. Furthermore, Theme C of the Comprehensive Plan, Creating Jobs and Prosperity, is supported with the increase in new employment opportunities that would result on the site. The staff also agrees with the applicant's proposed conditional zoning restrictions, which will limit the amount of retail and restaurant uses to the first floor of the development and will prohibit more intense business uses on the property, especially since this site will likely abut future residences to the rear of this location.

The Staff Recommends: Approval, for the following reasons:

1. The requested Neighborhood Business (B-1) zone with conditional zoning restrictions is in substantial agreement with the 2007 Comprehensive Plan for the following reasons:
 - a. The Land Use Element recommends Professional Services (PS) land use for the subject property, and the applicant proposed over 16,000 square feet of office space within a single three-story building.

- b. The proposed retail space and restaurant land uses are in addition to the meeting the basic land use recommendation and will provide services to the office tenants and to the immediate neighborhood.
 - c. The subject property is walkable to and from the adjoining residential neighborhoods, as well as other commercial uses in the immediate vicinity. The property is easily accessible from major urban corridors, although transit is not readily available in the area.
 - d. The Goals and Objectives of the 2007 and 2013 Comprehensive Plans support and encourage the creation of a variety of jobs and business opportunities, and the site proposes new employment opportunities within the proposed 23,300 square-foot building.
2. This recommendation is made subject to approval and certification of ZDP 2013-101: Schroyer Property (RTA Family Trust) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
 3. Under the provisions of Article 6-7 of the Zoning Ordinance, the use of the subject property shall be restricted as follows:

PROHIBITED USES

- a. Automobile service stations.
- b. Repair of household appliances.
- c. Retail sale of plant, nursery or greenhouse products.
- d. Miniature golf or putting courses.
- e. Carnivals.
- f. Arcades, including pinball and electronic games.
- g. Banquet facilities.
- h. Rental of equipment whose retail sale is permitted in the B-1 zone.
- i. Outdoor live entertainment, cocktail lounges, brew-pubs or nightclubs.
- j. Upholstery shops.
- k. Circuses.
- l. Automobile and truck refueling stations.

OTHER USE RESTRICTIONS

- a. Retail sales and other uses first permitted in the B-1 zone shall be limited to the first floor of the structure.

These restrictions are appropriate and necessary in order to permit only less intense land uses adjacent to a proposed single-family residential area, and because the applicant has proposed such limitations.