

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-19-00004: ANDERSON ACQUISITIONS, LLC

DESCRIPTION

Zone Change:	REQUEST		ACREAGE	
	<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
	A-U	R-1T	10.668	11.876
	A-U	B-1	1.040	1.040
	R-1D	R-1T	4.937	5.052
	R-1D	B-1	<u>1.652</u>	<u>2.002</u>
	<u>Total</u>		18.297	19.970

Location: 3450 & 3550 Todds Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-U & R-1D	Former Andover Clubhouse & Driving Range
To North	R-1D, R-1E, & R-3	Greenspace, Single-Family Residential
To East	A-U & R-1D	Greenspace, Single-Family Residential
To South	A-U & R-1D	Greenspace, Single-Family Residential
To West	R-1D & R-4	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 with bike lanes, along the property’s frontage by the Kentucky Transportation Cabinet (KYTC).

Curb/Gutter/Sidewalks – Sidewalks, curbs and gutters exist along Todds Road, which were constructed by the KYTC during the road widening project in 2015. 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. The site is not located within a FEMA Special Flood Hazard Area, although drainage from the golf course has been an ongoing concern of the neighborhood.

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 part of the proposed residential development of the property. There is sanitary sewer capacity in this sewershed that will allow for both residential and commercial use, however there are also a number of “grandfathered” sites across Todds Road 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 ¼ 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.

LAND USE 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. (Note: the application was filed prior to the adoption of the Complete 2018 Comprehensive Plan.)

The petitioner is seeking to rezone the subject property in order to develop a mixed residential and business development comprised of 88 townhomes and a publically accessible restaurant. The proposed residential development represents a density of 5.64 dwelling units per net acre.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Resident (R-1D) zone and Agricultural Urban (A-U) zone to a Townhouse Residential (R-1T) and Neighborhood Business (B-1) zone for approximately 18.297 acres of property, located at 3450 and 3550 Todds Road.

The subject property is comprised of two parcels, which are located on the south side of Todds Road, where the former Andover Country Club clubhouse and driving range were located. The subject property is situated between the Andover Club Villas, located to the northwest of the subject properties, and a large green space buffer owned by the Golf Townhomes of Andover Estate, located to the southeast of the subject properties. The majority of the southern portion of the site is comprised of a large greenway that was established following the purchase of the former golf course by six neighborhood associations located in the area. A portion of the Andover Hills subdivision borders the site along its southwestern edge. Across Todds Road, north and east of the subject properties, is the Andover Forest Neighborhood, which is comprised of single family detached houses.

There are numerous established developments surrounding the subject property including the Andover Woods, Brighton East, Autumn Ridge, Andover Hills, and Andover Forest subdivisions. While there are various types of zoning surrounding the property, including the Agricultural-Urban (A-U), High Density Apartments (R-4), Planned Neighborhood Residential (R-3), Single Family Residential (R-1D), and Townhouse Residential (R-1T) zones, all areas are comprised of single family residential development. The application proposes to introduce business zoning and include a potential neighborhood amenity: a restaurant.

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. While the R-4 zone allows for a greater density of housing, the developer sought the zone to allow for a higher floor area ratio (FAR) in an effort to build a townhouse development with greater lot coverage.

There is a single access point into the site from the Todds Road. The southeast bound portion of Todds Road has a dedicated right turn lane to allow for safe ingress into the site. The northwest bound portion of Todds Road also has a dedicated left turn lane, to allow for safe ingress into the site. Despite the safe ingress into the site via Todds Road, the widening and straightening of the roadway by KYTC has resulted in increased speeds and traffic flow. As future development continues along Todds Road, a greater focus on connectivity between local and collector streets should be sought, and new access points to arterials, like Todds Road should be limited to future collector streets that are appropriately spaced.

Along Todds Road, there are adequate pedestrian facilities and a delineated bicycle lane on the roadway. There is currently a shared pedestrian and golf cart pathway that connects the subject property with the surrounding neighborhoods. Additionally, there is a tunnel extending from the northwest corner of the subject property, underneath Todds Road, that connects to the pedestrian and golf cart system throughout the green space. These amenities are helpful in creating a health landscape that deemphasizes the use of single occupancy vehicles and promotes healthy and alternative modes of mobility.

The petitioner is proposing to rezone the properties in order to construct a mixed development of 88 townhomes, and a publically accessible restaurant. The proposed residential development represents a density of 5.64 dwelling units per net acre. The corollary development plan filed in conjunction with this zone change depicts the development of the townhomes in two sections divided by the proposed restaurant. The townhouse development along the northwest portion of the site will connect to and mimic the architectural styles and construction methods of the Andover Club Villas. The 18 townhomes will be situated along an extension of Country Club Way and will loop to the south. The 70 townhomes proposed for the southeastern portion of the site will access the proposed

development from the current access point along Todds Road and feed into a private road system. The applicant has indicated that they will maintain the current pedestrian and golf cart pathways and add to them where available. The proposed restaurant will reuse and occupy the former clubhouse, with associated parking primarily located in the front of the building, with a smaller quantity located in the rear. The reuse of the structure represents a non-conformity with the Zoning Ordinance in terms of a front yard setback. If or when an expansion of the existing structure is sought, a variance may be necessary to establish a front yard setback that aligns with the structure.

The petitioner opines that the zone changes to the Townhouse Residential (R-1T) and Neighborhood Business (B-1) zones are 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 supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). Additionally, the applicant opines that this proposal 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 petitioner states that the proposed development respects the context and design features of the surrounding areas and is compatible with the existing urban form (Theme A, Goal #2.b). This is particularly true for the continuation of the pinwheel type townhomes that are proposed to extend from Country Club Way. The surrounding open space and the continued use and expansion of the pedestrian and golf cart system within the proposed development also provides added amenities that reduce dependency on vehicular modes of transportation and allows for multi-modal connectivity (Theme A, Goal #2.c, Theme B, Goal #2.d, and Theme D, Goal #1.b). The petitioner also opines that the reuse of the clubhouse as a restaurant can act as a neighborhood focal point (Theme A, Goal #2.d), while adding quality of life opportunities that attract young and culturally diverse professionals to Lexington (Theme C, Goal #2.d). Such an amenity can also reduce vehicle trips or reduce the length of some trips.

Staff is in agreement with the applicant's justification. Furthermore, while not discussed by the applicant, since the availability of services, including water, sanitary sewer and electric are available to the properties, the portions of the properties zoned A-U are currently inappropriate. The intent of the A-U zone is to manage the growth of the community to avoid premature or improper development until public facilities and services are adequate to serve urban uses. In this case, the infrastructure available to this property results in the Agricultural Urban (A-U) zoning being inappropriate. The proposed rezoning of the properties to the R-1T and B-1 zones is appropriate at this time due to the established and suitable ingress and egress points available to the properties, and the compatibility with the surrounding land uses.

With the introduction of a new business zone into the area and the need to avoid those uses that can adversely impact the health, safety, and welfare of the community, staff recommends the use of conditional zoning restrictions. The B-1 zone allows for a large amount of amenities and services for neighborhoods. However, some land uses permitted in the B-1 can be high traffic generators and could result in potentially dangerous interactions at the access point on Todds Road. As such, staff recommends prohibiting drive-through facilities and automobile service stations. Additionally, the location of the proposed rezoning is located in an area surrounded by established residential development. To best protect these established neighborhoods, staff also recommends prohibiting those uses that typically result in the greatest amount of nuisance claims, including establishments with the principal purpose of the sale of beer, liquor or wine, and outdoor live entertainment.

The Staff Recommended: **Approval**, for the following reasons:

1. The requested Townhouse Residential (R-1T) and Neighborhood Business (B-1) zoning are in agreement with the 2013 Comprehensive Plan, and the adopted Goals and Objectives of the 2018 Comprehensive Plan for the following reasons:
 - a. The petitioner indicates that the rezoning of the site supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). The existing clubhouse has been vacant for several years, and the driving range is no longer necessary given that the site will not operate as a golf course in the future. The 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 applicant proposes a density of 5.64 dwelling units per acre.
 - b. The proposed development respects the context and design features of the surrounding areas and is compatible with the existing urban form (Theme A, Goal #2.b). This is particularly true for the continuation of the pinwheel type townhomes that are proposed to extend from Country Club Way.
 - c. The surrounding open space and the continued use and expansion of the pedestrian and golf cart system within the proposed development provides added amenities that reduce dependency on vehicular modes of transportation and allows for multi-modal connectivity (Theme A, Goal #2.c, Theme B, Goal #2.d, and Theme D, Goal #1.b).

- d. The reuse of the clubhouse as a restaurant can act as a neighborhood focal point (Theme A, Goal #2.d), while also adding quality of life opportunities that attract young and culturally diverse professionals to Lexington (Theme C, Goal #2.d).
2. The existing Agricultural Urban (A-U) zone is inappropriate, and the proposed R-1T and B-1 zones are appropriate at this location because the intent for 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. The availability of these services at this time in this area indicate the inappropriateness of the current zoning
3. This recommendation is made subject to approval and certification of the applicable portion of PLN-MJDP-19-00012: Lochmere, Tract 4-B (Stonecase Valley)(Andover Club)(AMD), prior to being forwarded to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the property shall be subject to the following use and buffering restrictions via conditional zoning:
 - a. Prohibited Uses:
 1. Drive-through Facilities.
 2. Automobile service stations.
 3. Establishments with the principal purpose of the sale of beer, liquor or wine.
 4. Outdoor live entertainment.

These conditional zoning restrictions are appropriate and necessary to minimizing the impacts of new development on the existing neighborhoods and reducing the potential for high traffic flow in and out of the proposed site.

TLW/HBB/DW

4/2/2019

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