

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2015-20: CONTINENTAL REAL ESTATE

DESCRIPTION

Zone Change: From a High Density Apartment (R-4) zone
To a Planned Shopping Center (B-6P) zone

Acreage: 0.99 net (1.16 gross) acre

Location: 4251 Saron Drive (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-4	Vacant
To North	B-6P	Convenience Store & Gas Station
To East	B-6P	Shopping Center
To South	R-4	Assisted Living Facility (under construction)
To West	R-4	Greenway/West Hickman Creek

URBAN SERVICES REPORT

Roads – The subject property is located on the west side of Saron Drive, approximately 400 feet south of the signalized intersection of Saron Drive and Man o’ War Boulevard. Saron Drive is a collector street that runs from Man o’ War Boulevard toward the southeast through the Veterans Park area, generally located between West Hickman Creek to the west and Tates Creek Road (KY 1974) to the east.

Curb/Gutter/Sidewalks – Curb, gutters and sidewalks exist along Saron Drive.

Storm Sewers – The subject property is located within the West Hickman watershed. The West Hickman Creek is located immediately to the west of the subject site. A FEMA Special Flood Hazard Areas exists along the creek, and extends onto the southwest corner of the subject property. Stormwater issues have been documented at the intersection of Saron and Chas Drives during the past decade; however, stormwater improvements are currently underway along the southern property line of the subject property; associated with development of an assisted living facility immediately south of this location.

Sanitary Sewers – The property is located within the West Hickman sewershed and is serviced by the West Hickman sewage treatment facility, located in northern Jessamine County, about two miles to the south of this location. Sanitary sewers currently serve the immediate area, and the southern portion of the parcel. If any improvements to these sewers are required to adequately serve the development of the property, the Engineering Manuals will need to be followed.

Refuse – The Urban County Government provides refuse collection to residences within this portion of the Urban Service Area on Mondays, although commercial developments oftentimes contract with private haulers for more frequent refuse collection.

Police – The property is located within Police Sector 3 and is served by the East Sector Roll Call Center. This police station is located on Centre Parkway, about 1½ miles to the northeast of the property.

Fire/Ambulance – Fire Station #22 is the closest fire station to the subject property, located about ½ mile to the south on Clearwater Way.

Utilities – All utilities, including electric, gas, water, telephone, and cable service are available to serve the subject 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.

The applicant proposes to construct a 4,000 square-foot commercial building for a restaurant with an accessory drive-through, in addition to a retail sales establishment.

CASE REVIEW

The petitioner has requested a zone change from a High Density Apartment (R-4) zone to a Planned Shopping Center (B-6P) zone for about one acre of property, which is a portion of 4251 Saron Drive.

The subject property is located on the west side of Saron Drive, about 400 feet from its signalized intersection with Man o' War Boulevard. In whole, the property is 5.22 acres in size, although only 0.99 acre is proposed for rezoning by the petitioner. Just to the east, across Saron Drive, is the Tates Creek South Shopping Center, which is anchored by a Wal-Mart Neighborhood Market store, and to the north is a convenience store and gas station (both zoned B-6P). South of the subject property is the remainder of the property, which is currently being developed with an assisted living facility (zoned R-4). A childcare center lies further to the south along Saron Drive. West of the subject property is the West Hickman Creek and its associated greenway and floodplain.

The petitioner proposes to construct a one-story commercial building and associated off-street parking. The corollary development plan proposes a restaurant with a drive-through facility, and a retail sales establishment, for a total of 4,000 square feet of space.

The subject property was part of a larger zone change of the Joe Coons farm, approved in 1990 from agricultural to the High Density Apartment and Planned Shopping Center zones for the southwestern portion of the Tates Creek Road and Man o' War Boulevard intersection.

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, but no longer utilizes a land use map.

The Plan does not address modest or minor changes in commercial land use that have a negligible impact on job creation; therefore, the applicant contends that the proposed rezoning is appropriate and the existing rezoning is no longer appropriate for the subject property. The applicant states that the property is not appropriate for R-4 zoning because the subject property (0.99 acre) is separated from the rest of the parcel due to physical features of the property, including a significant and existing topographic swale, which is coincident with a designated floodplain. As a result of these physical constraints, the subject property was not able to be utilized in the planning and development of the adjoining assisted living facility. Additionally, as a stand-alone tract, the property is too small to be utilized for high density apartments, or any other high-density residential use, as suggested by its current zoning category.

The applicant opines that the proposed B-6P zone is appropriate in that it is adjacent to properties already located within the same zoning category to the north and east, across Saron Drive. The physical boundary created by the floodplain and steep topography is a more appropriate and recognizable land use buffer between the residential land use to the south and the commercial land use in this instance. The proposed use and development can be provided with the provisions of the B-6P zone, and it is in a convenient location in order to serve the nearby neighborhoods without infringing upon their established boundaries.

The staff agrees with the applicant's justification and assessment that the existing R-4 zone is inappropriate and the proposed B-6P zone is appropriate for the subject property.

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

1. The requested rezoning to a Planned Shopping Center (B-6P) zone is appropriate, and the existing High Density Apartment (R-4) zone is inappropriate for the subject property, for the following reasons:
 - a. The subject property is located adjacent to, and across Saron Drive from, properties that are currently located within a B-6P zone, and are developed as such. Therefore, the B-6P zone is compatible with the surrounding area.
 - b. The southern boundary of the subject property is defined by a significant stormwater and drainage feature and floodplain that creates a physical barrier to the remainder of the parcel to the south, which is currently under construction for an assisted living facility. As a result of these physical constraints, the subject property was not able to be utilized in the planning and development of the adjoining assisted living facility. This physical barrier is a more appropriate and recognizable land use buffer between the residential land use to the south and the commercial land use to the north in this instance.
 - c. As a stand-alone tract, the subject property is too small to be utilized for high density apartments, as suggested by its current zoning category, but is suitable for commercial development.
 - d. The proposed use and development is consistent with the provisions of Article 12 of the Zoning Ordinance for the B-6P zone, and is in a convenient location in order to serve the nearby neighborhoods without infringing upon their established boundaries.
2. This recommendation is made subject to approval and certification of ZDP 2015-81: Coons Property, Tract 1 (a portion of) (Amd.), 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

8/31/2015

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