

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00021: G. DAVIS, CCM

DESCRIPTION

Zone Change: From an Agricultural Urban (A-U) zone
To a Professional Office (P-1) zone

Acreeage: 1.5 net (2.12 gross) acres

Location: 3280 Clays Mill Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-U	Single Family Residence
To North	R-3	Townhouse Residential
To East	R-3	Regional Detention Basin & Regional Detention Basin
To South	R-4 & P-1	Multi-family Residential & Professional Offices
To West	R-1B	Single Family Residential & Jessie Clark Middle School

URBAN SERVICES REPORT

Roads – The subject property is located on the east side of Clays Mill Road, at its intersection with Vincent Way, a local street. Clays Mill Road in this vicinity was recently widened and improved after many years of planning. Access to the subject property is proposed from Vincent Way.

Curb/Gutter/Sidewalks – Sidewalks, curbs and gutters exist along Clays Mill Road and were part of recent improvements to this roadway. The subject property's frontage along Vincent Way has not been improved and will need to have such improvements constructed by the developer.

Storm Sewers – The subject property is located in the South Elkhorn Creek watershed. Storm sewers are not currently located anywhere on the subject property; however, storm sewers have been constructed within the adjacent NDC Property. The developer will be required to provide these facilities or upgrade existing ones at the time this property is developed. The Stonewall Estates tributary of South Elkhorn Creek is located north of the subject property, within the regional detention basins and the Wellington Park property. The subject property is not located within a FEMA designated Special Flood Hazard Area.

Sanitary Sewers – The subject property is located in the South Elkhorn 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 a part of the proposed development of the property. There is currently sanitary sewer capacity available in this sewershed, according to the latest Capacity Assurance Program information.

Refuse – The Urban County Government serves this portion of the Urban Service Area with refuse collection to residences on Mondays. Commercial child care centers often utilize dumpsters and sometimes contract with private refuse collectors for more frequent service.

Police – The nearest police station is located on Centre Parkway at the East Sector Roll Call Center, about 4 miles east of the subject property.

Fire/Ambulance – Fire Station #15 is located one mile to the east, inside the main entrance to Shillito Park, just south of West Reynolds Road.

Utilities – All utilities including natural gas, electric, water, cable television, telephone, and streetlights should be able to be extended to serve the subject property, as they have been provided to the surrounding developments in this area.

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 2013 Plan's Goals and Objectives emphasize the importance of supporting infill and redevelopment (Theme A, Goal #2), supporting green infrastructure (Theme B, Goal #3), and upholding the Urban Service Area concept (Theme E, Goal #1).

The petitioner proposes to develop a childcare center and associated off-street parking to serve approximately 200 children.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural Urban (A-U) zone to a Professional Office (P-1) zone for 1.5 acres of property located at 3280 Clays Mill Road.

The subject property is located in the northeast quadrant of the intersection of Clays Mill Road and Vincent Way. Clays Mill Road has recently undergone major roadway improvements, including pavement widening, and the addition of sidewalks, curbs and gutters. The NDC Property, formerly the location of the Reynolds Tobacco Company in Lexington, bounds the site on three sides (north, east and south). The NDC Property has been developed with single-family dwelling units, townhouses, multi-family residential dwellings (R-4 zone) and professional offices (P-1 zone) in closest proximity to the subject property. Across Clays Mill Road from the subject property is the Stonewall neighborhood and Jessie Clark Middle School. This portion of the Clays Mill Road is characterized by mostly non-residential development, including the school, professional offices, a park and two small shopping centers (both to the north and the south).

The petitioner is proposing to rezone a 1.5-acre tract in order to develop a childcare center, with off-street parking. Although providing enough parking spaces and outdoor play area for about 400 children, the staff has deduced that approximately 200 children are proposed to utilize the center, based upon the applicant's "required parking" statistics on the corollary development plan. As proposed, the childcare center would not access Clays Mills Road, but would utilize an existing access point on Vendor Way (to be widened and improved).

While development has occurred surrounding the subject property, it remains an island of agricultural zoning within this portion of the Urban Service Area. The subject property was rezoned in 1970 from a single family residential zone to the current agricultural urban (A-U) zone because the property was rezoned during the 1969 comprehensive zone map change, but the land continued to be used in an agricultural manner. At that time, the agricultural zoning was approved because both were perceived to provide for the existing single-family residence and the A-U zone would be a transition between the residential zoning on the west side of Clays Mill Road and the industrial zoning on the east side (Reynolds Tobacco Company) (MAR 70-58: Mr. Edward Huffman). In 2013, a conditional use application was filed to convert the property into a landscape business (C-2013-13: Chad Dicken), but was withdrawn by the applicant because the application did not meet all the requirements of the Zoning Ordinance.

The 2013 Comprehensive Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A) by supporting infill and redevelopment (Theme A, Goal #2), supporting green infrastructure (Theme B, Goal #3), and upholding the Urban Service Area concept (Theme E, Goal #1). The petitioner contends that the request is in agreement with the Goals and Objectives of the 2013 Comprehensive Plan in the following ways: the new childcare center will be constructed utilizing "certified green building contractors" in a manner to support a learning environment that focuses on the physical environment and its protection; the site will capture rain water and re-use it to irrigate the landscaping and gardens; the childcare center site will be located near residential neighborhoods and a public school, both compatible land uses; the childcare center will be located along a minor arterial, which residents of south Lexington use to travel to and from work, thus, making it a convenient location for a childcare facility; and lastly, the design and use of the childcare center will be compatible with the nearby neighborhoods. The staff agrees with this justification.

The proposed P-1 zoning is also complementary to the adjoining land uses and zoning. The applicant intends to respect the existing neighborhood character by constructing a center with a residential appearance and ensuring that there will be minimal disruption to the established adjoining neighborhood by utilizing the existing side street, Vendor Way.

The Staff Recommends: Approval. for the following reasons:

1. The requested Professional Office (P-1) zone is in agreement with the 2013 Comprehensive Plan, as follows:
 - a. The Goals and Objectives encourage infill development throughout the Urban Service Area as a strategic component of growth for our community (Theme A, Goal #2). The petitioner proposes to utilize the subject

property for land use that is compatible with both residential neighborhoods and professional office uses along and near the Clays Mill Road corridor.

- b. The Goals and Objectives recommend supporting green infrastructure (Theme B, Goal #3). The new childcare center will be constructed utilizing “certified green building contractors” in a manner to support a learning environment that focuses on protection of the physical environment. Also, the site will capture rain water and re-use it to irrigate the on-site landscaping and gardens.
 - c. By utilizing land inside of the Urban Service Area for this urban development, the proposed rezoning and development will meet Theme E, Goal #1 to uphold the Urban Service Area concept.
2. P-1 zoning is compatible with the development along Clays Mill Road, and is consistent with the existing P-1 zone to the south of the subject property.
 3. This recommendation is made subject to approval and certification of PLN-MJDP-16-00046: All About Kids Childcare & Learning Center, 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/WLS
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