

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**PLN-MAR-17-00029: RAYMOND ALLEN WAITS**

**DESCRIPTION**

**Zone Change:** From an Agricultural Urban (A-U) zone  
To a Single Family Residential (R-1A) zone

**Acreage:** 1.135 net (1.246 gross) acres

**Location:** 2200 Old Higbee Mill Road (a portion of)

**EXISTING ZONING & LAND USE**

**Properties**

Subject Property  
To North  
To East  
To South  
To West

**Zoning**

A-U  
A-U & R-3  
A-U  
R-1E  
R-3 & A-U

**Existing Land Use**

Single Family Residential  
Church & Residential  
Agricultural & Single Family Residential  
Single Family Residential  
Greenway & Single Family Residential

**URBAN SERVICES REPORT**

**Roads** – The subject property is located along the south side of Old Higbee Mill Road, a collector street. During the improvements constructed to Harrodsburg Road by Kentucky Transportation Cabinet (KYTC), the portion of Old Higbee Mill Road directly north of the subject property and extending northwest to Harrodsburg Road was redirect from its original orientation and widened to current standards to create a safer intersection with Harrodsburg Road. The remaining portion of the Old Higbee Mill Road extending to the east and intersecting with Man O' War Boulevard has been widened and improved intermittently, as development has occurred in the area.

**Curb/Gutter/Sidewalks** – Old Higbee Road does not have curb, gutter or sidewalks along the frontage of the subject property. Curb, gutter, and sidewalks have been constructed along Old Higbee Mill Road as parcels have developed.

**Storm Sewers** – The subject property is located within the South Elkhorn watershed. There are no public stormwater facilities on the site. FEMA Digital Flood Insurance Rate Maps (D-FIRMs) indicate that a Special Flood Hazard Area (floodplain) exists on the subject property associated with South Elkhorn Creek and the Drive-In Tributary. The portion of the property that is not proposed for rezoning is within the Special Flood Hazard Area, and comprises approximately 30% of the overall property. The confluence of the two streams occurs one property west of the subject property (2130 Tracery Oaks Drive). Known flooding occurs along the South Elkhorn Creek and its tributaries in the immediate area. Development on the subject property will not be allowed to exacerbate any known flooding problems on the site or nearby.

**Sanitary Sewers** – This property is located in the South Elkhorn sewershed and is served by the West Hickman Wastewater Treatment Facility, in northern Jessamine County. The applicant has indicated that the subject property is served by septic sewer with the leach field located along the southern portion of the rezoning. The current distance of the residence to the closest manhole is approximately 400 feet. The property owner will need to comply with the LFUCG Engineering Manuals, which may result in the modification or extension of existing sewer facilities.

**Refuse** – This area is served by the Urban County Government with refuse collection on Mondays.

**Police** – The nearest police station is the West Sector Roll Call Center, located approximately 6 miles to the north of the subject property on Old Frankfort Pike, near New Circle Road.

**Fire/Ambulance** – The nearest fire station (#20) is located on Arrowhead Drive at Harrodsburg Road, approximately 2 miles northeast of the subject property.

**Utilities** – All utilities are available to serve the site, including natural gas; electric; streetlights; telephone; water; and cable television service.

**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; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes rezoning the subject property to a Single Family Residential (R-1A) zone in an effort to modify the property boundaries and allow for the consolidation of the remaining southern portion of the lot (approximately 2.75 acres) to 2100 Old Higbee Mill Road. In the existing Agricultural Urban Zone, a minimum lot of 10 acres is required for single family homes.

### **CASE REVIEW**

The petitioner has requested a zone change from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1A) zone for approximately 1.25 acres of property. The requested zone change will cover the northern portion of the subject property, approximately 40% of the total property area.

The subject property is located along the south side of Old Higbee Mill Road, a collector street that connects Harrodsburg Road and Man O' War Boulevard. During the improvements made to Harrodsburg Road by the Kentucky Transportation Cabinet (KYTC), the portion of Old Higbee Mill Road directly north of the subject property, extending northwest to Harrodsburg Road was redirect from its original orientation and widened in an effort the roadway to modern standards and create a safer intersection with Harrodsburg Road. The remaining portion of the Old Higbee Mill Road extending to the east and intersecting with Man O' War Boulevard has been widened and improved as new subdivision have occurred.

The subject property is bounded by a mix of residential and agricultural zoning. The northern portion of the property is bordered by a residential development zoned Planned Neighborhood Residential (R-3), and the First Alliance Church zoned Agricultural Urban (A-U). The entirety of the eastern boundary of the subject property is currently used for agricultural purposes and is zoned Agricultural Urban (A-U). The properties along the southern boundary of the subject property were subdivided and rezoned to a Single Family Residential (R-1D) zone in 2002. West of the subject property is a blend of agricultural zoning and residential zoning, however the majority of the land is being utilized as a greenway due to the presence of a Special Flood Hazard Area (floodplain) associated with the confluence of the South Elkhorn Creek and the Drive-In Tributary. The property at 2220 Old Higbee Mill Road just west of the subject property and north of the Special Flood Hazard Area is being utilized as a single family residence and is zoned Agricultural Urban (A-U).

While the applicant has indicated that the proposed rezoning is in compliance with the 2013 Comprehensive Plan, the minimal changes in the use at the site indicates that the shift does not constitute compliance or connection to the 2013 Comprehensive Plan or the adopted Goals and Objectives of the 2018 Comprehensive Plan. However, the intent of 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. In this case, the infrastructure available to this property results in the Agricultural Urban (A-U) zoning being inappropriate and the rezoning of the property to a Single Family Residential (R-1A) zone appropriate. Additionally, the subject property already functions as a residential property and has not been utilizing the land for agricultural uses.

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

1. The existing Agricultural Urban (A-U) zone is inappropriate, and the proposed Single Family Residential (R-1A) zone is appropriate at this location for the following reasons:
  - a. 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 in this area indicate the inappropriateness of the current zoning.
  - b. The subject property already functions as a single family residential property and has not been utilizing the land for agricultural uses, indicating the appropriateness of the proposed zoning.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00081: Waits / Moore LTD Partnership Property, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval