

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

**PLN-MAR-17-00016: AFTON COMMUNITY DEVELOPMENT, LLC (AMD)**

**DESCRIPTION**

<b>Zone Change:</b>	<b><u>REQUEST</u></b>		<b><u>ACREAGE</u></b>	
	<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>NET</u></b>	<b><u>GROSS</u></b>
	R-1D	R-4	4.76	4.98
	R-1D	P-1	0.46	0.55
		<b>TOTAL</b>	5.22	5.53

**Location:** 3743 Red River Drive

**EXISTING ZONING & LAND USE**

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-1D	Private School
To North	R-1D	Single-Family Residential
To East	R-1T	Two-Family Residential
To South	R-1D	Single-Family Residential
To West	A-U	River Hill Public Park

**URBAN SERVICES REPORT**

Roads – Red River Drive is a local loop street that provides access and lot frontage to the subject property, and to a number of family dwellings. It intersects with Trent Boulevard to the north and Niagara Drive to the east of the subject property. Trent Boulevard, which is the nearest collector street to this location, extends from Kenesaw Drive in the Hartland area, continues to the west across Man o’ War Boulevard and terminates at Appian Way, just east of Tates Creek Road. Access to the property is not proposed to be modified and no road improvements are proposed to adaptively re-use the existing structures.

Curb/Gutter/Sidewalks – All urban road improvements have been made on Red River Drive, which is primarily a residential street.

Storm Sewers – The subject property is located within the West Hickman Creek watershed. No stormwater facilities appear to have been required or constructed when the site was originally approved for a school in the 1970s. Stormwater improvements were non-existent for most developments until the 1980s. Stormwater detention may be necessary at the time the subject site is further intensified. All storm sewer and/or detention facilities must be designed and constructed in compliance with the Engineering Storm Water Manual.

Sanitary Sewers – The subject property is in the West Hickman sewershed, which is served by the West Hickman Wastewater Treatment Plant. The Capacity Assurance Program (CAP) will need to verify available sanitary sewer capacity for the proposed intensification of the land use on this site.

Refuse – The Urban County Government serves this portion of the Urban Service Area with collection on Fridays. Commercial developments sometimes contract with private waste haulers for more frequent service.

Police – The nearest police station is located a little less than one mile to the north, at the East Sector Roll Call Center (Police Sector 3) on Centre Parkway.

Fire/Ambulance – The nearest fire station to the subject property is Station #22, located approximately ¾ mile to the southwest on Clearwater Way, near its intersection with Saron Drive.

Utilities – Natural gas, telephone service, electric, street lights, water, and cable television are all 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 2015 Armstrong Mill Road West Small Area Plan (AMWSAP) is a plan for the revitalization of the 1900± acre area that establishes six goals for the area. The goals focus on improving safety; improving connectivity; promoting livable neighborhoods with housing choices (while maintaining the neighborhood form) and promoting green infrastructure; improving the quality of life and health including access to affordable and healthy food; and enhancing the sense of place by creating community spaces that foster social interaction and a sense of identity.

The petitioner now proposes a mixture of High Density Apartment (R-4) and Professional Office (P-1) zoning for the subject property in order to adaptively re-use the existing two structures for an assisted living facility, medical offices, adult and child care center, and a community center. New structures are proposed for medical offices and senior housing on the site. A conditional use and dimensional variances are also requested in association with this zone change application.

## **CASE REVIEW**

The applicant has amended their application after a lengthy Planning Commission public hearing was held on June 22, 2017. At that time, the Planning Commission heard presentations from the staff and the petitioner, and comments from the public. The Planning Commission suggested to the petitioner that they seriously consider the staff position and the possibility of amending the requested zone change. The petitioner requested a continuance of the public hearing to August 24<sup>th</sup> in order to follow the Commission's advice and meet all necessary notice requirements. The petitioner now wishes to rezone the subject property from a Single Family Residential (R-1D) zone to a combination of a High Density Apartment (R-4) zone and a Professional Office (P-1) zone, for approximately five acres of property located at 3743 Red River Drive.

Additionally, the petitioner is requesting a conditional use permit for an assisted living facility, a community center, and a child care and adult day care center within the residential portion of the property, as well as two landscape variances for the subject property. These requests are covered by a separate staff report.

The subject property is located on the south side of Red River Drive, in the 90-degree bend in that roadway, between Trent Boulevard and Niagara Drive. The subject property is located inside of Man o' War Boulevard, east of its intersection with Crosby Drive. The site is located in the River Park neighborhood, and was included in the 2015 *Armstrong Mill West Small Area Plan*, which is now an adopted amendment to the 2013 Comprehensive Plan that makes additional recommendations for this vicinity of the Urban Service Area.

The subject property is the current location of the Blue Grass Baptist School, which is a private school for academic instruction. The petitioner proposes to re-purpose the existing structures for an assisted living facility, medical offices, adult and child care centers, and a community center. New structures are proposed for medical offices and senior housing on the site. The petitioner proposes 40 rooms in the assisted living facility, 27 senior apartments, childcare for 30 children, and senior care for 70 adults. In total, the structures would total over 56,000 square feet in floor area.

The site has been the location of the Blue Grass Baptist School since the early 1970s, at which point a school for academic instruction was a principal permitted use in the single family residential zones. This

location has been in a R-1D zone since 1969. The 1983 Zoning Ordinance rewrite moved schools for academic instruction to a conditional use in these zones, so in 1984 when the school opted to construct a separate gymnasium, they were required to seek Board of Adjustment approval (C-84-62: Blue Grass Baptist School). After more than 40 years in operation, the Blue Grass Baptist School is completing its last year of instruction in 2017. They sold the property in November to the petitioner, but continued until the end of the school year.

The petitioner continues to opine that the proposed zoning is in agreement with the 2013 Comprehensive Plan and the Armstrong Mill West Small Area Plan. This redevelopment proposal is one that the petitioner believes will benefit the surrounding neighborhood by providing necessary services, creating jobs (replacing the loss of the school's employment), and providing safe, affordable, and accessible housing to meet the needs of older and/or disadvantaged residents. The petitioner has minimized the area of P-1 zoning to include only the stand-alone medical office and its associated off-street parking, which is less than ½ acre. This significant reduction in the size of the P-1 zoning, along with substantial conditional zoning restrictions, addressed most of the staff's concerns, and prompted a new recommendation.

In evaluating the amended zone change request, the staff can now agree with the applicant that the proposed R-4 and P-1 zones are in agreement with the 2013 Comprehensive Plan and the more recent Armstrong Mill West Small Area Plan. The Comprehensive Plan and SAP do offer statements that substantially support the project. The 2013 Comprehensive Plan recommends expanding housing choices to meet the needs of disadvantage and older populations (Theme A, Goal #1c.); and providing accessible community facilities and services to meet health, safety, and quality of life needs of the community (Theme D, Goal #2). The land uses proposed - elderly housing and assisted living facilities to support the aging population; community facilities such as adult day care, child care and community centers; and medical offices - are all needed within the community in a broader sense and can be considered necessary to meet the healthcare needs of the citizens of Fayette County. Additionally, adaptive re-use is a positive aspect of this redevelopment proposal, as it typically results in a more sustainable development pattern (Theme A, Goal #2). The proposed rezoning will allow for a higher density of infill development, should the site ever be redeveloped in its entirety, which is supported by Theme E, Goal #1b.

In terms of the SAP, the proposed development is supported by Goal #5: Improve quality of life and health for all residents. The petitioner is improving access to very limited medical services by creating an incidental office use that is open to the public, is providing services for all ages by creating a child/adult day care as part of a community center, and is improving access to healthy food through the use of a community garden on-site.

In addition, the petitioner has offered several conditional zoning restrictions to limit the negative impacts of the proposed change of use on the adjoining and nearby residential uses. The conditional zoning restrictions recommended by the staff incorporate many of those offered by the petitioner; however, the staff cannot support allowing the following uses: community centers as a principal permitted use, rehabilitation homes, hospitals, accessory pharmacy (filling of prescriptions and retail sales of pharmaceutical and medical supplies), and the accessory retail sales or personal services.

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

1. A restricted High Density Apartment (R-4) zone and Professional Office (P-1) zone for the subject property is in substantial agreement with the 2013 Comprehensive Plan, and the Armstrong Mill West Small Area Plan, which was adopted by the Planning Commission, for the following reasons:
  - a. The 2013 Comprehensive Plan recommends expanding housing choices to meet the needs of disadvantage and older populations (Theme A, Goal #1c.). The petitioner proposes an elderly housing element to the project, which will meet the needs of older and/or disadvantaged residents of Fayette County.

- b. The Plan also recommends providing accessible community facilities and services to meet health, safety, and quality of life needs of the community (Theme D, Goal #2). Assisted living facilities to support the aging population; community facilities such as adult day care, child care and community centers; and medical offices are all needed within the community in a broader sense and can be considered necessary to meet the healthcare needs of the citizens of Fayette County.
  - c. The Comprehensive Plan recommends infill, redevelopment, and adaptive reuse that respect the area's context and design features (Theme A, Goal #2). The petitioner intends to adaptively reuse the vacant Blue Grass Baptist School site for a land use that will serve the neighborhood, and encourage aging in place.
  - d. The Armstrong Mill West Small Area Plan recommends improving the quality of life and health for all residents (Goal #5). The petitioner is improving access to very limited medical services by creating an incidental office use that is open to the public, is providing services for all ages by creating a child/adult day care as part of a community center, and is improving access to healthy food through the use of a community garden on-site.
  - e. A restricted P-1 zone can be considered incidental to the primary residential zone for the property. In this way, the proposed medical office will not have a negative impact on the surrounding neighborhood.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property:
- a. **Principal Permitted uses Within P-1 zoned area shall be limited to only the following:**
    - 1. Offices for business, professional, governmental, civic, religious and charitable organizations.
    - 2. Schools for academic instruction.
    - 3. Medical and dental offices and clinics.
    - 4. Studios for work or teaching of fine arts.
    - 5. Places of religious assembly and Sunday schools.
    - 6. Nursing homes, personal care homes, and assisted living facilities.
    - 7. Kindergartens, nursery schools or child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain twenty-five (25) square feet per child.
    - 8. Beauty shops and barber shops, not exceeding 2,000 square feet in floor area, which employ no more than five licensed cosmetologists.
    - 9. Adult day care centers.
  - b. **Accessory Uses within the P-1 zone shall be limited to only the following:**
    - 1. Parking areas or structures.
    - 2. Non-commercial recreational uses listed in the P-1 zone.
  - c. **Conditional Uses within the P-1 zone shall be limited to only the following:**
    - 1. Offices of veterinarians, and animal hospitals (without overnight boarding).
    - 2. Parking lots and structures.
  - d. **Conditional Uses within the R-4 zone shall be limited to only the following:**
    - 1. Permitted conditional uses in the R-1A zone.
    - 2. Nursing homes, personal care homes, and orphanages.
    - 3. Assisted living facilities, boarding and lodging houses, and hospitality houses for more than eight (8) persons, provided that no use under this section may be less than 500 feet from another use permitted under this section.
    - 4. Community centers (without overnight accommodations).
    - 5. Kindergartens, nursery schools or child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain twenty-five (25) square feet per child.
    - 6. Parking lots, as permitted in Article 16-3 of the Zoning Ordinance.

e. **Other Use Restrictions:**

1. The P-1 zoned land shall be limited to a maximum 3,000 square-foot, one-story building. Signage for such building shall be limited to one wall-mounted, non-illuminated sign, and shall be a maximum of ten (10) square feet in size.
2. The R-4 zoned land shall be limited to a maximum of 60,000 square feet of total floor area.
3. A landscape buffer of at least fifteen (15) feet in width shall be provided along the southern and eastern property boundaries, with plantings as specified by Article 18-3(a)(1)2 of the Zoning Ordinance, including a 6-foot tall privacy fence.
4. Outdoor lighting shall be shielded and directed away from any adjacent residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.
5. No drive-through facilities shall be permitted on the subject property.

These use and buffering restrictions are appropriate and necessary to ensure greater compliance with the 2013 Comprehensive Plan, and to protect the adjoining residential land uses from development that is out of character with the existing neighborhood.

TLW/WLS/dw

5/3/2017, 8/2/2017 amd

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