

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2016-13: FLYING DUTCHMAN PROPERTIES, LLC

DESCRIPTION

Zone Change: From a Single Family Residential (R-1A) zone
To a Neighborhood Business (B-1) zone

Acreeage: 0.92 net (1.15 gross) acres

Location: 2400 Versailles Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-1A	Single Family Residence
To North	R-1C	Residential
To East	B-3	Commercial
To South	R-1A	Residential
To West	R-1A	Residential

URBAN SERVICES REPORT

Roads – The subject property is bounded to the north by Versailles Road (US 60), which is a four-lane major arterial highway in this vicinity with an additional right/left turn lane between the east and westbound lanes. Versailles Road is heavily traveled in this location (at least 30,000 vehicle trips) on a daily basis. The Versailles Road/Parkers Mill Road (KY 1968) intersection is a little over 200 feet to the east of the subject property.

Curb/Gutter/Sidewalks – Portions of Versailles Road are without curbs, gutters and sidewalks, although road improvements, including a sidewalk, have been made along the frontage of the property, as well as along adjoining properties to the east and west. The sidewalk is only a few feet from the curbline.

Storm Sewers – The subject property is located within the Wolf Run watershed. There is a significant amount of FEMA flood hazard area on the property, associated with the Wolf Run Creek, which encompasses at least two-thirds of the subject site. Post-development floodplain is shown to be significantly reduced via use of a retaining wall and the provision of fill on the property, which will require further work with the Division of Water Quality as well as FEMA (LOMR/CLOMR). Any new storm sewers will be constructed by the developer in compliance with the Division of Engineering Stormwater Manual. Any detention area on the site will also be required to comply with the Engineering Stormwater Manual.

Sanitary Sewers – The subject property is in the Wolf Run sewershed, and is served by the Town Branch Wastewater Treatment Plant on Old Frankfort Pike. Sanitary sewers do not currently serve the subject property, and service will need to be extended to the property at the time redevelopment occurs. Both a gravity and a force main are located in the immediate vicinity, which will facilitate connection and service to the property, should it be redeveloped as desired.

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

Police – The nearest police station is the West Sector Roll Call Center, located on Old Frankfort Pike near New Circle Road, less than two miles from the subject property to the northeast.

Fire/Ambulance – The nearest fire station (#14) is located less than ¼ mile from the subject property to the southeast, at Roanoke Road and Maywick View Lane, within the Gardenside subdivision.

Utilities – All utilities, including natural gas, telephone service, electric, water, and cable television are available to 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 petitioner proposes a Neighborhood Business (B-1) zone for the subject property in order to construct a small commercial building of approximately 6,000 square feet in size, and associated off-street parking.

CASE REVIEW

Flying Dutchman Properties, LLC requests a zone change from a Single Family Residential (R-1A) zone to a Neighborhood Business (B-1) zone in order to construct a 6,000 square-foot commercial building on a single lot located at 2400 Versailles Road. This lot is the only remaining residence on the south side of Versailles Road between the Gardenside Tributary (of Wolf Run Creek) to the west and the intersection of Parkers Mill Road to the east. Much of the property is encumbered by the floodplain associated with the creek.

The Versailles Road corridor is a mix of residential and commercial development. A majority of the commercial development (located in both B-1 and B-3 zones) within the immediate area exists between the Gardenside Tributary of Wolf Run Creek and the intersection of Village Drive to the east. Residential land use along the corridor exists primarily to the west between the floodplain and West New Circle Road (The Colony, Holiday Hills and Chestnut Run subdivisions) and is located in several single-family zoning categories. The Parkers Mill corridor, south of its intersection with Versailles Road, is entirely residential in character, including a large single-family residence that borders the subject property to the south.

The applicant contends that the proposed zoning is in agreement with the 2013 Comprehensive Plan and that the existing zoning is inappropriate, while the proposed zoning is appropriate for the subject property.

The applicant opines that this lot, in particular, is in an area that is a good candidate for an infill & redevelopment opportunity as recommended in Theme A, Goal #2a. of the Plan. This property is isolated from the nearby residential neighborhoods by the floodplain to the west and an existing B-3 commercial property to the east. It is only accessible from Versailles Road. This alone is not a justification for the requested zoning, but when reviewed in context with the immediately surrounding properties may make this property appropriate for redevelopment to a more intense use.

Furthermore, the applicant believes that the proposed commercial center will benefit the surrounding area by providing the potential for job creation, as recommended in Theme C, Goal #1 of the Plan, which is to support and showcase local assets to further the creation of a variety of jobs. Although a specific tenant is not proposed, the applicant believes the 6,000 square-foot commercial building would likely be able to be used by either one large tenant or 2 to 4 smaller businesses. The types of businesses that they envision would be professional or medical offices, retail, restaurants, hair stylists, etc. The Plan also encourages the consideration of how proposals relate to existing development in the immediate vicinity, as well as protection of neighborhoods and residential areas from incompatible land uses. The proposed B-1 zone is compatible with the immediate vicinity to the north and east; and the existing floodplain to the west, along with a landscape buffer along the south (rear) property line, will help to provide an appropriate transition in land use.

The applicant opines that the existing zoning is inappropriate for this property because it is relatively isolated from the surrounding neighborhoods and much of this site is heavily encumbered by an existing floodplain. The existing residence is currently located in the floodplain. About two-thirds of this 1-acre property is located in a regulatory floodplain. The applicant contends that a commercial property will be able to bear the burden of the floodplain better than a single-family home. The applicant proposes the building and associated parking on the property in such a way as to minimize the amount of grading proposed for this site and still accomplish a reasonable development on the subject property.

Considering how this particular property relates to the floodplain and the adjoining B-3 property, the proposed B-1 zone is appropriate. The Gardenside Tributary is a large creek, serving a watershed area that consists of about 850-900 acres, all of which flows through the pipe under Versailles Road, just 70 feet east of the subject property. This creek and floodplain is a logical land use buffer that would serve to separate the residential nature of The Colony neighborhood to the immediate west and the commercial nodes that exists on Versailles Road near Parkers Mill Road and Alexandria Drive.

As mentioned earlier, one important boundary of the subject property (to the south) must be addressed should the property be rezoned to a B-1 zone. The southern boundary of the subject property is directly adjacent to the back yard of a single-family residence at 1527 Parkers Mill Road. The adjacent commercial development has a significant 25-foot wide, heavily landscaped buffer adjacent to its southern boundary, and a similar buffer is recommended to continue along this property line. Likewise, the adjacent B-3 zone has several prohibited uses due to the close proximity of the adjoining residential neighborhoods, which the staff believes is also appropriate at this location.

The site can be considered an underutilized site, and should be considered for a possible change to an alternative use in order to be re-purposed better serve the needs of the community. With a strong land use buffer of the creek to the west and additional landscaping to the south, as well as the existing commercial to the north and east, the staff agrees that the proposed zone change is in agreement with the Comprehensive Plan and is appropriate at this location.

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

1. A restricted Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of the Plan state that infill and redevelopment should respect an area's context and design features (Theme A, Goal #2a); and that underutilized and vacant land should be utilized to encourage compact and contiguous development within the Urban Service Area (Theme E, Goal #1).
 - b. The proposed zoning is compatible with other commercial land uses between the Wolf Run Creek tributary and Village Drive, including the adjoining commercial development to the east. This portion of the Versailles Road corridor is predominantly zoned B-1. Additionally, a significant landscape buffer for the proposed commercial development will provide an adequate land use buffer from the single-family home to the south on Parkers Mill Road.
 - c. The proposed development of the subject property will put an underutilized tract to a productive use in support of existing businesses in the community.
2. This recommendation is made subject to approval and certification of ZDP 2016-48: Fox Property, Lot 4, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property:
 - a. Prohibited Uses:
 1. Drive-through facilities.
 2. The sale or provision of wine, beer or alcoholic beverages, other than by the drink.
 3. Live entertainment and/or dancing.
 4. Cocktail lounges, brew-pubs and nightclubs.
 5. Automobile service stations.
 6. Arcades, including pinball and electronic games.
 7. Sale of firearms other than by federally licensed manufacturers, importers or dealers.
 8. Car washing establishments.
 9. Pool tables within an establishment, even as an accessory use.
 10. Automobile and vehicle refueling stations.
 - b. Other Use Restrictions:
 1. A landscape buffer of at least twenty-five (25) feet in width shall be provided along the southern property boundary, with plantings as specified by Article 18-3(a)(1)2 of the Zoning Ordinance, including the retention of any tree that is at least 4" in diameter at breast height (DBH) in size. Any tree 4" DBH or larger may only be removed if diseased or dying, and only with the written permission of the Urban Forester.
 2. 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.
 3. Any free-standing sign erected shall be a maximum of ten (10) feet in height.

These use and buffering restrictions are appropriate and necessary to ensure greater compliance with the 2013 Comprehensive Plan, and to provide protection to the adjacent residential land uses.