

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00002: CAPKY BLUEGRASS PROPERTIES, LLC

DESCRIPTION

Zone Change: From a Professional Office (P-1) zone
To a High Rise Apartment (R-5) zone

Acreeage: 3.05 net (3.29 gross) acres

Location: 353 Waller Avenue

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	P-1	Vacant (formerly a nursing home)
To North	R-1C	Single-family Residential
To East	P-1	Professional Office
To South	P-1	Professional Office & Service Business
To West	R-4 & P-1	Multi-family Residential & Professional Offices

URBAN SERVICES REPORT

Roads – Waller Avenue is a two-lane, minor arterial roadway with approximately 18,000 average daily vehicle trips at this location. The subject property is less than ½ mile from the signalized intersection of Harrodsburg Road/South Broadway (US 68) and Waller Avenue. Two access points on Waller Avenue exist for the subject site, and no modifications are proposed.

Curb/Gutter/Sidewalks – Curb, gutter and sidewalks do not exist along the subject property’s frontage along Waller Avenue. These standard urban improvements are ordinarily required to be constructed by the developer at the time the development nears completion.

Storm Sewers – The subject property is located within the Wolf Run watershed. Currently, a small detention basin exists at the front of the property, parallel to the right-of-way of Waller Avenue, to accommodate the site’s stormwater. Additional assessment will be necessary to verify that the existing basin is adequate to serve the proposed re-use and to address water quality requirements of the LFUCG Stormwater Manuals. No FEMA special flood hazard area exists on the property or in the general vicinity.

Sanitary Sewers – The subject property is located in the Wolf Run sewershed and is served by the Town Branch Sewage Treatment Facility, located on Lisle Industrial Avenue, inside of New Circle Road. Since the use of the property is proposed for a change in land use, the petitioner will need to secure Capacity Assurance Program approval prior to the final development plan being certified.

Refuse – The Urban County Government serves the adjoining residential neighborhood with refuse collection on Mondays; however, apartment developments often contract with a private collection service to address their specific needs.

Police – The subject property is located within the Division of Police’s West Sector; however, the closest police station is the headquarters, located approximately 1½ miles to the northeast, on East Main Street.

Fire/Ambulance – Fire Station #11 is located less than ½ mile to the southwest on Harrodsburg Road, near its intersection with Clays Mill Road.

Utilities – All utilities, including gas, electric, water, phone, and cable TV currently serve the existing buildings and could be reconfigured or improved 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 2013 Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D) and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E).

The petitioner proposes to re-use the existing structure (former nursing home facility) for a multi-family residential development. The petitioner proposes to renovate the structure to accommodate 100 dwelling units, with the intention of marketing such units to students and faculty at the University of Kentucky. Dimensional variances are also requested with the zone change application.

CASE REVIEW

The petitioner has requested a zone change from a Professional Office (P-1) zone to a High Rise Apartment (R-5) zone for slightly more than three acres of property, located at 353 Waller Avenue.

The site is located on the north side of Waller Avenue, between the signalized intersection at Harrodsburg Road/South Broadway and the CSX Railroad line. The subject property is the former location of the Kenton Healthcare nursing home facility, which was closed about seven years ago, as well as the location of a zone change that was reviewed by the Planning Commission last year. The immediate area along Waller Avenue is characterized by professional office and services (P-1 zoning), and multi-family residential (R-4 zoning). A small shopping center is located to the west of the subject property, which includes convenience retail and restaurants (B-1 zoning). The property also borders an established single-family residential neighborhood (Simpson, Burley, American, Prospect, Southern and Camden Avenues), which has experienced some recent redevelopment pressures due to its proximity to the University of Kentucky campus.

The petitioner requests a rezoning to R-5, and to renovate the existing 43,000 square-foot building in order to accommodate 100 efficiency dwelling units, and associate off-street parking. Dimensional variances are also being requested with the zone change application, and will be addressed in a separate staff report.

The property was the subject of a zone change in 1993 from a High Density Apartment (R-4) zone to the current P-1 zone in order for the nursing home facility to expand, and prior to that it had been zoned R-4 during the 1969 comprehensive update to the City's and County's Zoning Atlas. Last year, the property was the subject of another zone change request from the existing P-1 zone to a Wholesale and Warehouse Business (B-4) zone (MAR 2015-17: CAPKY BLUEGRASS PROPERTIES, LLC), which was recommended for disapproval by the staff and the Planning Commission. The application was subsequently withdrawn prior to any review by the Urban County Council.

The 2013 Comprehensive Plan no longer includes a parcel-based land use element; rather, it encourages land use decisions to be made based upon small area plan recommendations, Comprehensive plan policy statements and the Goals and Objectives of the Plan. The petitioner opines that this request is consistent with the Comprehensive Plan, and also that the proposed High Rise Apartment (R-5) zone is appropriate and that the Professional Office (P-1) zone is inappropriate at this this location.

As the staff has done, the Planning Commission must look to the Comprehensive Plan for guidance as to whether the proposed R-5 zone is supported by the Plan at this location. The petitioner contends that the

proposed zone change meets several of the Goals and Objectives of the Comprehensive Plan, including: expand housing choices (Theme A, Goal #1), support infill and redevelopment that is respectful of the area's context and design features (Theme A, Goal #2.a.), encourage infill and redevelopment that creates jobs where people live (Theme C), and develop a viable network and effective transportation system for residents (Theme D). The petitioner's project will provide efficiency dwelling units, which are uncommon in the immediate area, primarily to meet demand from the University of Kentucky (both students and faculty). This housing option will be located very near the University of Kentucky's campus and between two hospitals, creating an opportunity for more individuals to live near their jobs or school. The petitioner is also working to improve transit in the Waller Avenue corridor for use by their future residents and others.

Beyond the goals and objectives, the Plan sets forth a policy for greater accessibility between neighborhoods and shopping (Accessibility - page 15). The petitioner will install some new sidewalks to improve connectivity to the nearby commercial developments along Waller Avenue. Lastly, the petitioner states that the property and its large structure are underutilized, and their project will take advantage of this situation to renovate the structure and put it to a good use (Improving a Desirable Community – page 97).

The proposed zone change is also compatible with the adjoining High Density Apartment (R-4) zone to the west and will provide a transition between the commercial and office uses along Waller Avenue and the single family residential neighborhood to the north. For these reasons, the staff finds that the requested rezoning is, in fact, in agreement with the 2013 Comprehensive Plan.

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

1. The proposed High Rise Apartment (R-5) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The residential zoning and proposed efficiency apartment units will expand housing choices by providing an uncommon dwelling unit type within the immediate area (Theme A, Goal #1). Although dwelling units exist to the north and west, most are single family homes or two bedroom apartment units.
 - b. The renovation of an underutilized structure on the subject property will support infill and redevelopment that is respectful of the area's context and design features (Theme A, Goal #2.a.) since little will be altered on the property, and since this will also support adaptive re-use in the community (Theme D - Improving a Desirable Community).
 - c. The additional dwelling units within the Waller Avenue corridor will allow for employees and students of the University of Kentucky, as well as two nearby hospitals, to live near their jobs, thereby encouraging infill and redevelopment that creates jobs where people live (Theme C).
 - d. The petitioner will provide new sidewalks along a portion of their property frontage and work to create a transit line along Waller Avenue in order to help a viable network and effective transportation system for residents (Theme D) and improve accessibility between neighborhoods and shopping (Accessibility - page 15).
 - e. The proposed R-5 zone is compatible with the adjoining High Density Apartment (R-4) zone to the west and will serve as a transition between the commercial uses along Waller Avenue and the single family residential areas to the north of this location, due to the existing building's low height and profile.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-16-00009: Storey Business Subdivision, Lot 6, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.