

REVISED STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

MAR 2016-10: ATLAS 1, LLC (AMD.)

DESCRIPTION

Zone Change:	<u>Request</u>		<u>Acreage</u>	
	<u>From</u>	<u>To</u>	<u>Net</u>	<u>Gross</u>
	R-3	B-1	0.62	0.92
	R-1C	B-1	1.00	1.14
	TOTAL:		1.62	2.06

Location: 2090, 2094 & 2098 Harrodsburg Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-3 & R-1C	Office, Child Care & Residential
To North	B-6P	Turfland Mall
To East	R-1C & B-3	SF Residential, Office, Retail
To South	R-1C	Single Family Residential
To West	B-6P	Turfland Mall

URBAN SERVICES REPORT

Roads – The site, which consists of five properties, is bordered to the north by Harrodsburg Road (US 68), a major five to six-lane arterial, and bifurcated by Springhurst Drive, a local cul-de-sac street, to the southeast. The intersection of Springhurst Drive and Harrodsburg Road is not signalized and is unlikely ever to be due to the existing intersection spacing. Access to the subject properties is proposed from both streets, utilizing a right-in/right-out for the proposed access to Harrodsburg Road on a portion of the development.

Storm Sewers – The subject properties are located within the Wolf Run Creek watershed. The storm sewer system is already in place at this location and, although not in an official floodplain, there are some suspected storm water problems in this immediate vicinity.

Sanitary Sewers – The subject properties are located within the Wolf Run sewershed, and are serviced by the Town Branch Wastewater Treatment Plant, located three miles to the north on Lisle Industrial Avenue. Sanitary sewers already serve the properties, but some reconfiguration may be necessary as redevelopment occurs at this location. Assurance of sanitary sewer capacity will also be required prior to this redevelopment.

Refuse – The Urban County Government currently serves this area with collection on Thursdays. Commercial businesses and offices often contract for additional service by private collectors.

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

Fire/Ambulance – The nearest fire station (#11) is northeast of this location, about 1 mile away the intersection of Harrodsburg Road and Clays Mill Road.

Utilities – All utilities, including gas, electric, water, phone, cable television and streetlights are available in the 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 petitioner proposes rezoning the subject properties in order to build a series of commercial retail, restaurant, and other uses, and their associated off-street parking lots.

CASE REVIEW

The applicant is now requesting a restricted Neighborhood Business (B-1) zone for three properties, totaling 1.62 net (i.e. developable) acres at 2090, 2094 and 2098 Harrodsburg Road. The application originally included 2100 and 2104 Harrodsburg Road, but those have been dropped by the petitioner’s recent amendment.

All of the subject properties front on Harrodsburg Road, but one of the three lots has access to Springhurst Drive, a cul-de-sac street that now borders the amended proposed rezoning area. Located on the north side of Springhurst Drive, the existing uses on these three lots are a daycare center and a recently vacated insurance agency, which was operating as a non-conforming use. The properties to the south of Springhurst Drive, formerly a part of this application, are existing single family homes. The existing zoning for the three remaining subject properties is residential, primarily R-1C like the majority of the residences in the neighborhood. However, 2094 and 2098 Harrodsburg Road are zoned R-3, but were restricted via conditional zoning to no more than 1 dwelling unit each and a small number of allowable conditional uses a decade ago (MAR 2006-1: James Costello) which was found necessary at that time to better preserve and protect the character of the adjacent neighborhood. The applicant contends that the proposed zone change and associated development are in agreement with the recommendations of the 2013 Comprehensive Plan. The Division of Planning disagrees, as noted below:

Theme A: Growing Successful Neighborhoods

The applicant believes that this redevelopment proposal “embraces” Goals 2 & 3 (Support Infill & Redevelopment and Provide Well Designed neighborhoods and Communities). The only justification that the applicant has provided is that this project will allow residents of the Clays Mill Corridor to walk to the development without the need to cross Harrodsburg Road.

The staff disagrees with the applicant that this proposed development would be the well-designed neighborhood amenity that is recommended in the 2013 Comprehensive Plan. The proposed development would be better characterized as an auto-centric collection of commercial outlots, which is a far cry from the types of neighborhood centers and amenities that allow a neighborhood to flourish, abundant with positive and safe places for social interactions, and designed for pedestrians and various modes of transportation as recommended in the Plan. It is entirely possible that these sites are simply too small to provide that type of character of development, which brings into question the very appropriateness of the requested Neighborhood Business (B-1) zone.

The objectives of Theme A, Goal 3: Provide Well Designed Neighborhoods and Communities describe in detail what is expected in a well-designed neighborhood:

- a) Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment of expanded options for mixed-use and mixed-type housing throughout Lexington-Fayette County.
- b) Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.
- c) Minimize disruption of natural features when building new communities.
- d) Promote, maintain, and expand the urban forest in existing neighborhoods.

There are 27 residential properties on Springhurst Drive and Spring Grove Avenue, which together form a cul-de-sac with the only access point to the subdivision at the Springhurst Drive/Harrodsburg Road intersection. Spring Grove Avenue is a short dead-end street with only two residential properties fronting on the street. It stubs into the former Springs Hotel site, without a vehicular or pedestrian connection to that new commercial area, based on a decision from the Planning Commission due to opposition from the Mitchell Avenue neighborhood. One result of that action is, other than the 27 houses on Springhurst Drive, all other resident pedestrians in this area have to walk to Harrodsburg Road first and then to the subject properties, increasing the walk travel times and decreasing the possibility that the proposed development will become a major pedestrian destination as outlined in the applicant’s justification. The staff has had a consultation with the MPO staff, who agrees that the submitted corollary zoning development plan has not been proposed as a pedestrian-friendly development.

While promoting business expansion, improving quality of life and providing services to the community are generally important priorities, they must be balanced with the community’s need for this type of auto-centric development and its impact on the nearby low density residential neighborhood.

Theme C: Creating Jobs & Prosperity

The applicant believes that the proposed redevelopment accomplishes both Goals 1 & 2 of this Theme: 1) Support and showcase local assets to further the creation of a variety of jobs; and 2) Attract the world’s finest jobs, encourage entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community. The applicant has given very little justification as to how the proposed redevelopment will achieve these goals, other than that the proposed businesses will have employment opportunities; and people in the area will be able to patronize the new development, giving them opportunities to be provided entertainment and other quality of life opportunities.

The staff disagrees with this assertion as well. First, the applicant has not mentioned any specific businesses that will populate this small commercial area and the typical fast-food and retail services of nearby areas are unlikely to be the type of employment opportunities envisioned by the 2013 Comprehensive Plan. Additionally, there is not a need for additional retail zoning in this particular area. Located directly across from the Turfland Mall property, these properties would be immediately contiguous to over 70 acres of B-1, B-3, and B-6P zones. The Turfland Mall site, in particular, is a 44-acre B-6P site approved with over 500,000 square feet of retail zoning, much of which is approved but not yet developed.

Theme D: Improving a Desirable Community

The applicant's position is that these retail uses will be walkable to the residents in the Clays Mill Road Corridor, thereby meeting the goals of improving a desirable community.

Not only is the proposed development designed to be auto-centric, disregarding the concepts of Complete Streets (i.e. designs that encourage cars, bicycles, and pedestrians) as recommended in Goals 1a and 1b; but it will serve a very limited pedestrian clientele and is unlikely to be developed in a way that could provide a pedestrian focal point or other attraction. As proposed, re-zoning this location to a B-1 zone with an auto-centric commercial design may significantly impact the nearby neighborhoods within the area, especially those properties on Springhurst Drive and those immediately adjoining the subject properties.

Theme E: Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land

The applicant asserts that because the proposed zone change to allow a commercial development is in the Urban Service Area, it will provide support to the existing neighborhoods, making them more desirable, and thus reducing the demand for new housing and an expansion of the Urban Service Area. Furthermore, the applicant believes that this proposed redevelopment will create a livable neighborhood through their proposed context-sensitive design.

If it is assumed that simply because the properties lie within the Urban Service Area that it is appropriate to rezone viable residential properties to commercial properties, the point that this proposal does nothing to reduce the residential options that are currently available inside the USA is totally being missed. If that was the case, this argument could be made for any property that is currently within the USA boundary. Case in point: there are now 43 additional residential properties that front Harrodsburg Road between the Clays Mill intersection and New Circle Road that would all have similar characteristics to the findings proposed by the applicant. Additionally, the applicant's proposed development is not context sensitive, as recommended in the 2013 Comprehensive Plan. For small redevelopment parcels, such as this one, it is recommended that a development should be built at or above the average residential density of the area. The examples of context sensitive design near stable residential neighborhoods include the addition of small lot single family homes, duplexes, or other attached housing (i.e. townhouses and condominiums).

The applicant has not provided any evidence that the proposed development will be able to mitigate any of the inherent nuisance factors of lights, noise, and other emissions that are commonly associated with the commercial designs that are designed to serve significant numbers of automobiles.

Appropriateness and/or an Unanticipated Change in the Basic Character and Nature of the Area

Because the staff disagrees with the applicant that the proposed zone change is in agreement with the 2013 Comprehensive Plan, the staff has reviewed the other two possible findings (under KRS 100) that can be made in order for the Planning Commission to grant approval of a requested zone change to B-1.

The staff does recognize that the subject properties (on the north side of Springhurst Drive) have had a recent history of non-residential uses on the properties as a daycare and a non-conforming office use, but these residentially zoned properties (as they exist today) are not inappropriately zoned for that reason. A redevelopment of these three properties is sought by this applicant, the staff could argue that the R-3 zone would be more appropriate than the proposed B-1 zone. This would allow the type of residential redevelopment recommended by the Comprehensive Plan or a number of potential conditional uses such as the existing daycare center or a church.

The applicant noted that the general area has been subject to a substantial redevelopment over the last several years, but that the most significant change has been to the increase in traffic on Harrodsburg Road itself. The staff agrees that this area has seen redevelopment, but it has been a natural re-investment in properties, given the closure of the former Springs Hotel site, in an existing commercial area. The increase in traffic on a major arterial

road is not a major unanticipated change that has altered the basic character of the subject area in an economic, physical, or social nature.

Conclusion

The staff cannot support the requested zone change, as it does not meet any of the criteria for the findings necessary to approve such zoning. Furthermore, as proposed, this zone change could be detrimental to the protection of the adjacent neighborhood and contrary to the Goals and Objectives of the 2013 Comprehensive Plan that promote well designed neighborhoods and communities.

This requested zone change did meet the new trip threshold to require a Traffic Impact Study, which was submitted by the applicant. The MPO staff will address this study in a separate report to the Planning Commission after they have had an opportunity to review the study.

The Staff Recommends: **Disapproval.** for the following reasons:

1. The requested rezoning to a Neighborhood Business (B-1) zone is not in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. Theme A of the Plan:” Growing Successful Neighborhoods” emphasizes the infill, redevelopment and adaptive reuse of the urban area that respects the area’s context and design features (Goal #2a.), and encourages striving for positive and safe social interactions in neighborhoods (Goal #3b.). In addition, the Goals and Objectives suggest that the community should “enable infill and redevelopment that creates jobs where people live” (Theme C, Goal #1d.); attract and retain high-paying jobs (Theme C, Goal #2c.); and to uphold the Urban Service Area concept by encouraging “compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs” (Theme E, Goal #1b.).
 - b. The Plan encourages the consideration of how proposals relate to existing development in the immediate vicinity, as well as protecting neighborhoods and residential areas from incompatible land uses. Policy statements in the Plan focus on the need for the development of land in the most appropriate relationships, and compatibility of land uses. The proposed development is not compatible with these specific recommendations, which are overarching ideas of the Plan.
 - c. While promoting business expansion, improving quality of life and providing services to the community are generally important priorities, they must be balanced with the community’s need for this type of highway-oriented development and its impact on nearby residential areas. In this case, the petitioner is requesting several auto-centric business uses at the entrance to a well-established neighborhood.
 - d. There is not a demonstrated need for additional retail zoning in this vicinity, as there are over 70 acres of contiguous B-1, B-3 & B-6P zones that can provide for the commercial needs of the surrounding properties. The Turfland Mall site, in particular, is a 44-acre B-6P site approved with over 500,000 square feet of retail zoning, much of which is approved but not yet developed.
2. As proposed, uses with an auto-centric commercial design may significantly impact the nearby neighborhoods within the area, especially those properties on Springhurst Drive and those immediately adjoining the subject properties, therefore making this B-1 zone inappropriate.
3. The existing Single Family Residential (R-1C) and Planned Neighborhood Residential (R-3) zones remain appropriate for the subject properties because together they can more fully support the adopted 2013 Comprehensive Plan goals and policies.
4. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would support the proposed development or requested B-1 zoning for the subject properties.