

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARC 2012-3: VICTORY APOSTOLIC CHURCH, INC.

DESCRIPTION

Zone Change: From an Agricultural Rural (A-R) Zone
To a Planned Neighborhood Residential (R-3) Zone

Acreage: 1.56 net (2.04 gross) acres

Location: 1420 Greendale Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-R	Vacant
To North	A-R & I-1	Residential, Agricultural & Railroad
To East	I-1	Railroad & Distribution Center
To South	R-3	Single Family Residential & Detention Basin
To West	A-R & R-3	Single Family Residential

URBAN SERVICES REPORT

Roads – Greendale Road (KY 1978), a two-lane rural roadway with approximately 20 feet of pavement, borders the subject property to the west and provides access to the property. Greendale Road is a collector street located between Spurr Road (KY 1977) to the northeast, and Leestown Road (US 421) to the southwest of the subject property. Both Greendale Road and Spurr Road have at-grade crossings with the Norfolk-Southern Railroad just north and northwest of this location. Citation Boulevard, a proposed minor arterial roadway, is planned to extend west of its current terminus at Jaggie Fox Way to just west of Leestown Road. The new roadway is planned to intersect Greendale Road south of the subject property, and its future construction is also planned to eliminate the two existing 90 degree turns in Greendale Road.

Curb/Gutter/Sidewalks – Greendale Road does not have curb, gutter or sidewalks along the frontage of the subject property, but there is curb, gutter and sidewalk immediately to the south. As properties have developed along Greendale Road, typical collector street improvements have been required to be constructed by the developers; thus, intermittent sections of Greendale Road do have curb, gutter and sidewalks, in addition to the adjoining property to the south. These same cross-section improvements are expected to continue along Greendale Road as other properties develop in the future.

Storm Sewers – The subject property is located along the western edge of the Cane Run watershed, and is also located within the Royal Spring Aquifer recharge area. Storm sewer facilities do not currently exist on the subject property; however, water quality and water quantity control facilities will be required at the time of development of this property per the Division of Engineering adopted Stormwater Manuals. A detention basin for an adjoining residential development was constructed along the common boundary with the subject property. The existing basin may be able to be modified to accommodate the subject site’s stormwater runoff. There is no FEMA special flood hazard area designated for the property, and there are no known flooding problems within the immediate area.

Sanitary Sewers – The subject property is located in the Cane Run sewershed and will be served by the Town Branch Waste Water Treatment Plant located on Old Frankfort Pike. Several sanitary sewer force mains serve the vicinity, although the subject property is currently not served by the sanitary sewer system. One sanitary sewer force main runs to the east of the property (along the eastern side of the railroad line and Innovation Drive to serve the Ramsey/Sullivan Property), and another runs from the Lucille Drive and Spurr Road intersection to the west of the area. The sanitary sewer line and tap are expected to be constructed by the proposed church.

Refuse – This area is served by the Urban County Government with refuse collection on Thursdays. Once-a-week service should suffice for this proposed use.

Police – The nearest police station is about 3 miles southwest of the subject property at the West Sector Roll Call Center on Old Frankfort Pike at the interchange with New Circle Road.

Fire/Ambulance – The nearest fire station (#10) is located about 2½ miles south of the subject property on Finnie Drive, near the interchange of West New Circle Road and Georgetown Road. A new fire station is planned for the Masterson Station area near the intersection of Citation Boulevard and Sandersville Road.

Utilities – Telephone, electric, natural gas and water service, and cable television are known to be available to this portion of the Urban Service Area.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 7) recommends Medium Density Residential (MD) future land use for the subject property. The petitioner proposes Planned Neighborhood Residential (R-3) zoning to allow for a 13,200 square-foot church, and associated off-street parking. The petitioner has also requested that a conditional use permit for the church be granted by the Planning Commission for the subject property.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural Rural (A-R) zone to a Planned Neighborhood Residential (R-3) zone for approximately 1.5 acres of property located at 1420 Greendale Road.

The subject property is located on the east side of Greendale Road, about one-third of a mile south of the intersection of Greendale and Spurr Roads. The subject property was formerly a single family residence on a densely wooded lot, but is now vacant. The subject property is bordered to the east by the Norfolk-Southern Railroad, and beyond that by a distribution facility (I-1 zoning); to the north and south by residential development (R-3 and A-R zoning); and to the west, across Greendale Road, by the undeveloped Hash-Hounshell Property (R-3 zoning).

The petitioner requests a rezoning to R-3 in order to develop a two-story, 13,200 square-foot church, with associated off-street parking. The eastern one-third of the subject property is constrained by an electric transmission line easement, and except for parking, will remain as open space.

The 2007 Comprehensive Plan recommends Medium Density Residential (MD) future land use for the subject property, defined as 5–10 dwelling units per net acre. The proposed use as a church is more inline with a Semi-Public (SP) land use designation, but such future locations are not specifically designated by the Land Use Element of the Plan. The petitioner is requesting a Planned Neighborhood Residential (R-3) zone for the subject property, which is consistent with the existing residential zoning within the immediate area. The proposed land use of a church is a conditional use in all of the residential zones in the Lexington-Fayette Urban County, as well as the existing A-R zone. The petitioner has requested the zone change because they wish to construct a building that would exceed the square footage limitation established in the A-R zone.

The proposed rezoning can be found to be in agreement with the 2007 Comprehensive Plan if the subject property is limited to a maximum density of 10 dwelling units per acre, or 15 dwelling units, should the church ultimately decide not to locate there. Additionally, the request is supported by two of the Goals and Objectives of the Comprehensive Plan; specifically Goal #14, Objective I, which promotes development of self-sustaining neighborhoods by enabling a range of services in close proximity, including worship facilities; and Goal #20, Objective P, which states that the community should provide adequate opportunities for private non-residential facilities, such as churches, to satisfy public needs.

The Staff Recommends: Approval, for the following reason:

1. A restricted Planned Neighborhood Residential (R-3) zone is in agreement with the 2007 Comprehensive Plan, for the following reasons:
 - a. The Future Land Use Element of the Plan recommends Medium Density Residential (MD) for the subject property, which is defined as 5–10 dwelling units per net acre.
 - b. The proposed church land use is a permissible conditional use in the Planned Neighborhood Residential (R-3) zone.
 - c. The property will be restricted to a maximum residential density, in keeping with the maximum density recommended by the Plan, of 15 dwelling units.
 - d. The proposed development of a church is supported by Goal #14, Objective I and Goal #20, Objective P of the 2007 Comprehensive Plan, which allow for adequate community facilities (including churches) to satisfy public need, and which encourage developing self-sustaining neighborhoods by enabling a range of services in close proximity (also including worship facilities).
2. This recommendation is made subject to the approval and certification of ZDP 2012-9: Victory Apostolic Church, Inc. prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of any approval by the Planning Commission.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use shall be restricted on the subject property via conditional zoning:
 - a. A maximum of 15 residential dwelling units may be permitted on the subject property.

This restriction is appropriate and necessary for the subject property in order to ensure compatible development; and if a conditional use does not develop on the subject property, the property will develop in a manner recommended by the 2007 Comprehensive Plan.