

STAFF REPORT ON AN AMENDED PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00003: TAYLORMADE REAL ESTATE, LLC (AMD)

DESCRIPTION

Zone Change:	<u>Request</u>	<u>Acreage</u>		
	<u>From</u>	<u>To</u>	<u>Net</u>	<u>Gross</u>
	A-U	B-1	5.79	7.88
	A-U	R-1T	2.38	2.38
	A-U	R-1D	6.72	6.72
	R-1T with cz	R-1D	1.49	1.83
	R-1T with cz	R-1T	1.49	1.93
	R-1D with cz	R-1T	<u>0.26</u>	<u>0.26</u>
		TOTAL:	18.13	21.00

Location: 4145 and 4235 Harrodsburg Road

URBAN SERVICES REPORT

Roads – The subject properties are bordered to the southeast by Harrodsburg Road (US 68). Harrodsburg Road is a major five-lane, divided highway at this location, and is one of two major commuter routes connecting Jessamine and Fayette Counties. It continues northward into downtown and becomes South Broadway. Harrodsburg Road intersects Man O War Boulevard at a signalized intersection approximately ¼ mile to the northeast of the subject properties. Almond Way and Syringa Drive, both local streets within the Palomar subdivision, stub into the site from the west and north, respectively. Madrone Way, a collector street, stubs into the South Elkhorn Christian Church property very near the southwest corner of the subject property. It is proposed to be extended to the Harrodsburg/Old Higbee Mill Road signalized intersection immediately south of the subject site. Almond Way is not proposed by the applicant to be extended into the proposed development, but Syringa Drive is proposed to have a circuitous extension to the southwest of its current terminus. The applicant also proposes a new intersection along their frontage and a service road that runs parallel to Harrodsburg Road.

Curb/Gutter/Sidewalks – Harrodsburg Road does not have curb, gutter or sidewalks along the frontage of this property, although these were requested by the Urban County Council years ago. All other roadways in the vicinity, including Syringa Drive, Almond Way, Madrone Way and the other residential streets in the adjacent Palomar Subdivision, do have curbs, gutters and sidewalks. These same facilities will need to be continued and constructed by the developer at the time of development of the subject property.

Storm Sewers – The subject property is located within the South Elkhorn watershed. Storm sewers and basins are usually to be constructed by the developer, as necessary, in accordance with the LFUCG Engineering Manuals to protect water quality. However, the corollary development plan filed in conjunction with this zone change does not propose an obvious storm water basin on this 15+ acre site. The FEMA Digital Flood Insurance Rate Maps (D-FIRMs) do not indicate that a Special Flood Hazard Area (floodplain) exists on the subject property. There are known flooding problems that occur along the South Elkhorn Creek and its tributaries in the immediate area. Development on the subject property will not be allowed to exacerbate any known flooding problems on the site or nearby.

Sanitary Sewers – This property is located in the South Elkhorn sewershed and is served by the West Hickman Wastewater Treatment Facility, in northern Jessamine County. The residential properties in the adjoining subdivisions are currently served by sanitary sewers. Extension of the sanitary sewer system will need to be built by the developer in accordance with the adopted Engineering Manuals. The South Elkhorn pump station was recently improved after experiencing periodic overflow problems during peak flow times in the past.

Refuse – This area is served by the Urban County Government with refuse collection on Mondays.

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

Fire/Ambulance – The nearest fire station (#20) is located on Arrowhead Drive at Harrodsburg Road, approximately 1½ miles northeast of the subject property.

Utilities – All utilities are available to serve the site, including natural gas; electric; streetlights; telephone; water; and cable television service. Utilities should easily be able to be extended from the nearby residential neighborhoods to serve the development of the 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 Plan's 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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a rezoning to construct a small neighborhood business area, bordered by townhouses and single family residences.

CASE REVIEW

The petitioner has now amended their zone change request to include the entirety of 4145 Harrodsburg Road in order to remove the existing conditional zoning restrictions. The petitioner has requested a zone change from an Agricultural Urban (A-U) zone, a Townhouse Residential (R-1T) zone with conditional zoning restrictions and a Single Family Residential (R-1D) zone with conditional zoning restrictions to a Neighborhood Business (B-1) zone, Townhouse Residential (R-1T) zone and a Single Family Residential (R-1D) zone all with no conditional zoning restrictions for approximately 18+ net acres of property.

The subject property is situated on Harrodsburg Road (US 68), almost opposite of its signalized intersection with Old Higbee Mill Road. It is accessible from Harrodsburg Road, and has stub streets into it from Almond Way and Syringa Drive within the Palomar Subdivision. Access is also planned to the development from Madrone Way, a planned collector street from Palomar that currently stubs into the rear of the South Elkhorn Christian Church property, located immediately south of the subject site. The subject property has been used for residential and agricultural purposes for decades; however, it is now proposed for both residential and commercial development. The subject property is bounded to the north and east by Palomar and to the west and southwest by the church.

A rezoning to the immediate east of subject property was attempted, and accomplished in 2007 for a townhouse residential development which included preserving the Bowman House, but faced opposition from surrounding property owners and a portion of the Palomar neighborhood. Ultimately, the Urban County Council approved a four-acre rezoning of the property at the current terminus of Syringa Drive (MAR 2007-12: Barry C. Mangold). Three years ago, almost one acre previously rezoned R-1D was changed to an R-1T zone because the Bowman House, thought worthy of preservation, had deteriorated (MAR 2013-3: Patricia Donoghue (AMD.)), but this time, without any opposition. A buffer was required by conditional zoning for both zone changes, in part, as a result of concerns by area neighbors.

The petitioner is now requesting a combination of R-1D, R-1T and B-1 zoning for a 18-acre development of single family homes, townhouses, and ½ dozen commercial buildings. The previously rezoned property (by Mangold and by Donoghue) is now wholly a part of this zone change. A series of local street extensions and connections, with the notable exception of Almond Way, is proposed to provide access to this development. New commercial uses are proposed to directly access Harrodsburg Road (with a new right-in/right-out access), and the extension of Madrone Way, across the South Elkhorn Church property to the immediate south.

The 2013 Comprehensive Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce. The applicant contends that their request is in agreement with the Comprehensive Plan, primarily because it provides a mixture of land uses and because it would provide convenient retail and service uses to the adjoining neighborhood. They also state in their justification that the mixed land use development will be walkable/pedestrian-oriented. The applicant has now revised their corollary development to provide a pedestrian access along the Almond Way right-of-way to make a connection to the Palomar Subdivision to the north, and also incorporated sidewalks throughout their development between the proposed land uses.

Previous Comprehensive Plans recommended Low Density Residential (LD) future land use for the subject properties, defined as 0-5 dwelling units per net acre. For the 18.13 acres that makeup the subject properties, this residential recommendation suggested a maximum of 90 dwelling units. The applicant's residential density of 71 dwelling units, at a density of 3.92 dwelling units per acre, falls within the range recommended by the previous Comprehensive Plan, plus it provides neighborhood business uses, above and beyond the former recommendation. The Plan also previously recommended the extension of Madrone Way along the southern edge of subject property.

During a previous zone change request for a portion of the subject property in 2007, a number of significant trees were identified near the Bowman House, which has since been demolished. The trees, however, were preserved due to conditional zoning restrictions. There are three areas with designated conditional zoning restrictions related to tree preservation, along the existing common boundary between the two parcels. However, with the proposed plan, those tree preservation areas may hinder future development and would no longer serve the purpose of buffering the proposed residential use from an active agricultural tract. For this reason, the applicant requests that all conditional zoning restrictions be removed. The applicant is willing to discuss tree preservation outside of a conditional zoning restriction. Given that another significant tree exists at or near the proposed entrance to the site from Harrodsburg Road, in addition to the existing significant trees, the staff would like the corollary development plan to establish tree preservation areas for the benefit of the community.

A traffic impact study has been submitted in conjunction with this zone change request, as required by Article 6 of the Zoning Ordinance. With this mixed-use request, the importance of the Madrone Way collector street connection is amplified. Without the connection of Madrone Way, the proposed commercial sites will not adequately function for their purpose. In addition, the collector street meets the Comprehensive Plan goals established in "Chapter 6: Improving a Desirable Community" for reduced traffic congestion, connectivity of adjoining land uses and the staff will report further on the study at the Commission's public hearing.

The Staff Recommends: If construction of Madrone Way is not part of the proposal, Postponement, for the following reasons:

1. According to Article 8-4(a) of the Zoning Ordinance, "In order to avoid premature or improper development, land should remain in this zone until public facilities and services are or will be adequate to serve urban uses."

The Staff Recommends: If construction of Madrone Way is part of the proposal, Approval, for the following reasons:

1. The proposed combination of Neighborhood Business (B-1) zoning, Townhouse Residential (R-1T) zoning and Single Family Residential (R-1D) zoning is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of the Plan encourage an expansion of housing choices and housing near employment/commercial areas (Theme A, Goal #1); support infill and redevelopment as a strategic component of growth (Theme A, Goal #2); maintain the urban forest (Theme A, Goal #3.d.); and provide compact, contiguous and/or mixed-use sustainable development to accommodate future growth needs (Theme E, Goal #1.b.).
 - b. The applicant proposes a mixed-use development, with pedestrian connectivity throughout and to the adjoining Palomar neighborhood to the northwest and northeast of the subject site. The development also provides a variety of housing types that are located near existing and proposed employment/commercial areas.
 - c. The applicant is proposing a residential density of 3.92 dwelling unit per acre, which within the range recommended for the site by previous Comprehensive Plans, in addition to neighborhood commercial opportunities.
 - d. The applicant intends to preserve many significant trees on the subject properties in order to maintain the minimum tree canopy requirements for this development.
2. The proposed development generally meets the Complete Streets concept (with the exception of the Almond Way termination), which includes the design and use of the right-of-way for vehicles, bicycles and pedestrians, as recommended by Theme D, Goal #1.a. of the 2013 Comprehensive Plan. The connection of local and collector streets with the subject properties is of vital importance to ensure the proposed development functions as a part of the neighborhood it is proposed to serve. Without these vital connections, the development cannot meet the goals established in "Chapter 6: Improving a Desirable Community" for reduced traffic congestion and connectivity of adjoining land uses for a complete street network.
3. This recommendation is made subject to approval and certification of PLN-MJDP-16-00008: Ethington & Ethington Property, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

TLW/WLS

8/4/16, 10/5/16 amd

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