

AMENDED STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-19-00003: BALL HOMES, INC. (AMD)

DESCRIPTION

Zone Change:

<u>FROM</u>	<u>REQUEST</u>	<u>TO</u>	<u>ACREAGE</u>	
			<u>NET</u>	<u>GROSS</u>
CC		EAR-2	16.53	17.14
CC		EAR-3	<u>8.09</u>	<u>8.09</u>
<u>Total</u>			24.62	25.23

Location: 6600 Man o' War Blvd.

EXISTING ZONING & LAND USE

Properties

Subject Property
 To North
 To East
 To South
 To West

Zoning

CC
 A-R & EAR-1
 EAR-1 & EAR-2
 EAR-2
 CC & EAR-3

Existing Land Use

Vacant
 Agricultural, Greenway & Single-Family Residential
 Single-Family Residential
 Vacant
 Gas Station & Convenience Store, Bank, Multi-Family Residential

URBAN SERVICES REPORT

Roads – The subject property is bounded to the northwest by Man o' War Boulevard (KY 1480), which transitions to a two-lane highway along the property frontage between Interstate 75 and Winchester Road (US 60). There is one local street, Constantine Avenue that stubs into the western boundary of the site. Stub streets are utilized when a future continuation is planned. A new entrance is expected to be constructed on the property to allow access to Man o' War Boulevard. Access points off of Man o' War Boulevard are to be provided at a minimum spacing interval of approximately 500'.

Curb/Gutter/Sidewalks – This section of Man o' War Boulevard has a rural road cross-section; it was constructed without curb, gutter and sidewalk facilities. Such improvements should be considered in association with the proposed development of the subject property.

Storm Sewers – The subject property is located in the North Elkhorn watershed. There are no storm sewers available along the frontage of the subject property; however, due to the location of the proposed development relative to the topography of the site and the adjacency to the greenway, the developer will be required to upgrade existing facilities that are impacted at the time this property is developed. There is a FEMA designated Special Flood Hazard Area (floodplain) along the greenways bordering the northeast and southwest edges of the subject property. Any development will need to adhere to Engineering and Stormwater Manuals. Improvements should comply with the adopted infrastructure plans for Expansion Area 2a for stormwater management.

Sanitary Sewers – The subject property is located in the North Elkhorn sewershed and is served by the West Hickman Wastewater Treatment facility in northern Jessamine County. A sanitary sewer force main serves the Hamburg area. The sanitary sewer system will be extended by the developer as part of the development of this property.

Refuse – The Urban County Government serves this portion of the Urban Service Area with refuse collection to residences on Tuesdays.

Police – The nearest police station is located near Eastland Shopping Center at the Central Sector Roll Call Center, approximately 4.4 miles northwest of the subject property, just off Winchester Road.

Fire/Ambulance – The nearest fire station (No. 21) is located about 2.5 miles southwest of the subject property on Mapleleaf Drive, just south of Man o' War Boulevard. Additionally, Fire Station No. 17 is located approximately 2.7 miles northeast of the subject property on Winchester Road at Royster Road in the Rural Service Area.

Utilities – All utilities, including electric, gas, water, telephone, and cable are available in the immediate area. All utilities should be easily extended into the subject property.

LAND USE PLAN AND PROPOSED USE

The Expansion Area Master Plan (EAMP), an adopted element of the 2013 Comprehensive Plan (Expansion Area 2a), recommends Community Center (CC) land use for the subject property. The petitioner proposes to rezone the subject property to the Expansion Area Residential – 2 (EAR-2) and the Expansion Area Residential – 3 (EAR-3) zones to allow an apartment complex development, comprised of 10 3-story and 4-story apartment buildings, at

an average residential density of 12.84 units per gross acre, with a total 324 dwelling units. Within the remaining CC zoned land, the applicant is proposing a 3-story mixed-use building with 16 dwelling units and 11,600 square feet of non-residential space.

CASE REVIEW

With the amended application, the petitioner has requested a zone change from a Community Center (CC) zone to an Expansion Area Residential-2 (EAR-2) zone for approximately 17 acres and an Expansion Area Residential-3 (EAR-3) zone for approximately 8 acres for the property located at 6600 Man o' War Boulevard. This amendment leaves approximately 2 acres of Community Center (CC) zoned land that the applicant would utilize for the prescribed purposes.

The subject property is located within Expansion Area 2a, on the east side of Man o' War Boulevard, approximately ½ mile northeast of its interchange with Interstate 75. The subject property has remained vacant since the initial rezoning in the fall of 2000. This portion of the Expansion Area is primarily characterized by residential land use of varying types to the east in the Blackford Oaks and Glen Eagles subdivisions (EAR-1 and EAR-2 zoning), and agricultural land use, which is intended for residential development, to the north of the subject property.

The subject property was added to the Urban Service Area in 1996 with the approval of the Expansion Area and adoption of the Expansion Area Master Plan (EAMP). In 2001, the EAMP became an adopted element of the Comprehensive Plan, and its future land use recommendations have been reinforced and carried forward to the 2013 and 2018 Comprehensive Plans. The subject property was initially rezoned from the Agricultural Rural (A-R) zone in 2000 with the entire Blackford Property, which extends from Man o' War Boulevard to Walnut Grove Lane. During the rezoning of the 385-acre farm, the applicant at that time indicated a desire to conform to the Expansion Area Master Plan (EAMP) by mixing the development with Expansion Area Residential-1 and 2. (EAR-1, EAR-2) zoning, Community Center (CC) zoning, Transition Area / Expansion Area Residential-2 (TA/EAR-2) zoning, and including the designation of Special Design Areas (SDA).

Subarea 2a of the EAMP recommended a density of 527 to 1,591 dwelling units for the residentially zoned portions of the Blackford Property (355 acres) split between the EAR-1 (180.1 acres) and EAR-2 (175.2 acres) zoning. Over the course of the last two decades the applicant has completed much of the Blackford Property development. The development has resulted in the construction of single family residential, primarily detached with a small portion of attached single family townhomes. The current overall density of the site is 1,288 dwelling units or a density of 3.63 dwelling units per acre. The current proposal for the portion of the Blackford Property that is within the CC zone will not amend the possible total density of the overall development, but rather seeks to remove the Community Center land uses to create a purely residential development with greater heights and larger structures in the EAR-3 zone. The proposed shift from the CC zone to the residential zoning and development would exceed the Expansion Area Master Plan recommendation for a maximum of 1,591 dwelling units for the Blackford Property by 21 dwelling units.

The subject property is recommended by the EAMP for the Community Center (CC) future land use, which allows for a variety of uses, including residential, retail, and community amenities. There is no restriction of dwelling unit density within the Community Center (CC) zone. The greatest limitation within the zone is that at least 40% of the aggregated floor area of buildings within a CC zone shall be devoted to residential uses as permitted in EAR-3, which also include schools, places of religious assembly and their accessory structures; and public buildings. This special provision allows for either vertical or horizontal mixed-use to serve the new neighborhoods within the Expansion Area. There is a restriction on the size of structures, as well as the floor area ratio (FAR), which were put into place to minimize the impacts on surrounding neighborhoods and provide appropriate and incremental growth. For the CC zone, the maximum height of a structure is 48 feet, and the zone has a maximum FAR of 1.0.

As recommended by the EAMP, the subject property was planned to be utilized as support and enhancement of the residential developments that have now been mostly completed on the Blackford Property, the adjoining Sikura-Justice Property (Glen Eagles), and the nearby Clark Property. The intent of the Community Center (CC) zone is to implement the Community Center land use designation in the Expansion Area Master Plan by providing a mixture of residential uses and non-residential uses, which serve the needs of the surrounding residential neighborhoods. Additionally, the CC land use and zone allows for the presence of multi-family residential development, which meets the applicant's current desire, albeit in a different configuration. By blending residential and commercial in the CC zone, the EAMP is seeking to provide community-oriented facilities, and amenities at a pedestrian-friendly level. The EAMP states:

The concept of community centers is something more than a strip shopping center. Although many of the uses found in a strip shopping center would be appropriate in a community center, the key elements of a

successful community of place are multi-purpose trips, reliance on alternative modes of transportation (at least within the community center), "calmed" traffic, "main street" as an address for commerce, and a mix of uses (office, retail and residential) organized around places of public and private assembly.

While the vision for the CC land use in the Expansion Area 2a is still important, there have been several deviations from the initial plans for development. In 1996, this portion of the CC zoned land was recommended to mirror a large portion of CC zoned land across Man o' War Boulevard, between Polo Club Boulevard and the North Elkhorn Creek. In 2010, this portion of land was rezoned to the Expansion Area Residential-3 (EAR-3) zone (Ord. 52-2010, MAR 2009-17) and the CC zone was relocated to the west side of Polo Club Boulevard. The applicant argued that the area east of Polo Club Boulevard was more appropriate for residential development than the area adjacent to I-75, and that the proximity to the proposed greenway system, and a future park, planned to the north along Polo Club Boulevard, was more advantageous to residential development. The Planning Commission agreed, which resulted in the construction of Costco west of Polo Club Boulevard and a multi-family residential development and an assisted living facility south and east of Polo Club Boulevard.

Following the flipping of the zoning across Polo Club Boulevard, an additional parcel of CC zoned land was added, located at 2350 Polo Club Boulevard. This portion of property was rezoned from the Expansion Area Residential-3 with a Transition Area Overlay (EAR-3/TA) zone (Ord. 123-2014, MAR 2014-13) to the CC zone. The zone change was approved to allow for job growth and economic development, provide land uses that are more compatible with the surrounding land uses; and provide for a more appropriate mix of land uses than previously planned.

Finally, in 2017, a portion of 6800 Man o' War Boulevard was rezoned from the Expansion Area Residential-2 (EAR-2) zone to Community Center (CC) zone (Ord. 177-2017, PLN-MAR-19-00037). The change to the zoning in this area and the modification of the plan was to allow for greater community services for the residents of the Justice Property (Meadow Oaks). This inclusion of a greater amount of uses would allow for services for many residents of Expansion Area 2a, as it is connected so as to allow for easier access.

Due to these three zone changes over the last nine years, there has been a significant modification in the location and total need of the CC land uses in the Expansion Area 2a. The proposed zone change retains approximately the same number of planned acres of CC zoned land necessary for the development of services for the residents in the area. However, it does place a greater onus on the need for proper multi-modal infrastructure and connectivity. By expanding the distances that residents must travel to access goods and services, this could continue to promote auto-centric development within the Expansion Area. By providing a diverse transportation system, residents can chose how they travel throughout the area.

Since the submission of the application, the petitioner has requested postponement of their application twice, during the May 23rd and July 25th Public Hearings, in an effort to work with the staff regarding their concerns. Since that date, the applicant has met with staff and amended their application to leave a portion of the CC zoned land along Man o' War Boulevard, connected to the portion of CC zoning located at 6411 Man o' War Boulevard. The inclusion of the CC zoned land represents a modification of the plan and a recognition of the need for community services for the surrounding neighborhoods. Furthermore, the applicant has alleviated staff's concerns regarding the continuity of the land uses and the association with nearby transitional areas by locating EAR-3 zoning adjacent to the existing CC and TA zoned areas..

The applicant opines that they are expanding housing choices (Theme A, Goal #1) by providing mixed-use and housing near employment and commercial areas (Theme A, Goal #1.b). Furthermore the applicant indicates that they will encourage compact, contiguous, and/or mixed-use sustainable development within the Urban Services Area, as guided by market demand, to accommodate future growth needs for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents (Theme E, Goal #1.b). The applicant also indicates that they will 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 (Theme A, Goal #3.b).

Staff agrees with these aspects of the applicant's proposal and that these specific goals and objectives can be met. However, within the applicant's justification, they state they are in agreement with several other Goals and Objectives that need greater discussion by the applicant or are not within the purview of the applicant. One area that necessitates addition conversation is the applicant's statement that they will develop a viable network of accessible transportation alternatives for residents and commuters (Theme D, Goal #1.b). Staff would like to know what transportation alternatives they are providing for residents at this location.

The applicant goes further to indicate that the proposed rezoning and the corollary development will pursue incentives and regulatory approaches that encourage creativity and sustainability in housing development (Theme A, Goal #1.a). Additionally, they state that they will create and implement housing incentives that strengthen the opportunity for economic development, new business and jobs, including, but not limited to, higher density and housing affordability (Theme A, Goal #1.d), while also enabling existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County (Theme A, Goal #3.a). They state that they will implement innovative programs, such as the land bank, to facilitate sustainable development, including but not limited to, affordable housing and commercial and economic activity (Theme A, Goal #2.b). Finally, the applicant indicates that they will continue to monitor the absorption of vacant and underutilized land within the Urban Services Area (Theme E, Goal #1), while maintaining the current boundaries of the Urban Services Area and Rural Activity Centers; and not create new Rural Activity Centers. All of these objectives are inwardly focused on the Urban County Government and Staff, and not within the purview of the applicant as they are not seeking to improve regulations or expand opportunities.

While the petitioner's justification still stresses the length of time that this parcel has remained vacant as their indicator of inappropriateness of the zoning, this perspective of needed change due to the length of vacancy neglects the incomplete nature of Expansion Area 2a. While Expansion Area 2a has been built well below the densities that were available to developers, including the Blackford Property, there has been recent multi-family housing development in the area. These recently constructed dwelling units, as well as the continued construction of single family homes, necessitate maintaining the availability of land zoned to allow for neighborhood-oriented services.

The Staff Recommends: Approval, for the following reasons:

1. The requested rezoning is not in agreement with the adopted Land Use Element of the Expansion Area Master Plan (EAMP). However, the Expansion Area 2a retains approximately the same number of planned acres of CC zoned land necessary for the development of services for the residents in the area.
2. There have been social, economic and physical changes within the immediate area since the adoption of the EAMP and the 2013 Comprehensive Plan. This is primarily the result of the three zone changes within the Expansion Area 2a that have modified the Land Use Element of the EAMP.
3. The proposal to increase density within Expansion Area 2a meets the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The requested rezoning to EAR-2 and EAR-3 expands housing choices (Theme A, Goal #1) by providing mixed-use and housing near employment and commercial areas (Theme A, Goal #1.b).
 - b. The proposed rezoning encourages compact, contiguous, and/or mixed-use sustainable development within the Urban Services Area, as guided by market demand, to accommodate future growth needs for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents (Theme E, Goal #1.b).
 - c. The proposed rezoning and the corollary plan 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 (Theme A, Goal #3.b).
4. This recommendation is made subject to approval and certification of PLN-MDJP-19-00009: Blackford Property (Phase 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.

TLW/HBB
7/31/2019

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