

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00006: TAYLORMADE REAL ESTATE, LLC

DESCRIPTION

Zone Change: From a Townhouse Residential (R-1T) zone
To a Planned Neighborhood Residential (R-3) zone

Acreage: 3.77 net (4.80 gross) acres

Location: 1580 Higbee Mill Road (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-1T	Vacant
To North	R-1C/R-1D	Single Family Residential
To East	A-U	Vacant
To South	R-1T	Townhouses Under Construction
To West	R-1T & A-U	Vacant

URBAN SERVICES REPORT

Roads – Higbee Mill Road is a narrow local street which does not meet current Land Subdivision Regulations street standards (only ± 22 feet wide). It was a rural roadway that was severed when Man o’ War Boulevard was constructed. This section of the road is accessible from Clays Mill Road or Cornwall Drive, and borders the subject property to the north. The southern boundary of the subject property is adjacent to the right-of-way of Man o’ War Boulevard, although there is no access to that roadway. Access to the subject property is proposed from Higbee Mill Road, along the former Clays Mill Road alignment, at the eastern edge of the subject property. Road widening of the 520 linear feet of road frontage is not proposed by the applicant, according to the submitted zoning development plan, although it could potentially be required by the Planning Commission, given the proposed commercial use of the property.

Curb/Gutter/Sidewalks – Higbee Mill Road was originally constructed without curb, gutter or sidewalks. The applicant proposes to construct a sidewalk along the entirety of the road frontage, but not curb and gutter. Man o’ War Boulevard does have a full complement of urban street improvements.

Storm Sewers – The subject property is located within the South Elkhorn Creek watershed. A portion of South Elkhorn Creek is located on the subject property, which generally flows from east to west toward the Harrodsburg Road/Bowman’s Mill Road area. No storm sewers or stormwater improvements exist on the subject property, nor are any planned. Rather, stormwater runoff from the property is planned to flow directly into the creek. Any stormwater design will be required to meet the Engineering Manuals specifications and be designed to accommodate both water quality and quantity on the subject property. A significant floodplain area (about 1.73 acres of the 3.77 net acres; 46% of the land area) is associated with the South Elkhorn Creek. The applicant’s development will primarily remain outside of the designated Special Flood Hazard Area, although access to the daycare during a unusually severe storm event may be an issue if the existing crossing is not improved.

Sanitary Sewers – The subject property is in the South Elkhorn sewershed, which is served by the West Hickman Wastewater Treatment Plant. A major trunk line runs through the property, parallel to South Elkhorn Creek. The property is planned to be connected to the sanitary sewer when development ultimately occurs.

Refuse – The Urban County Government serves this portion of the Urban Service Area with residential collection on Mondays; however, a child care center may necessitate more frequent solid waste collection.

Police – The nearest police station is located approximately five miles north of the subject property, at the West Sector Roll Call Center (Police Sector 1) on Old Frankfort Pike near New Circle Road.

Fire/Ambulance – The nearest fire station to the subject property is Station #20, located approximately two miles to the northwest, at the intersection of Harrodsburg Road and Arrowhead Drive.

Utilities – Natural gas, telephone service, electric, water, and cable television are all available to the areas to the north of the subject property, and all can be extended to serve 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 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 Comprehensive Plan encourages identifying opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A, Goal #2); providing for accessible community facilities (Theme D, Goal #2); and encourages the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1a., #1b. and #3).

The petitioner proposes a Planned Neighborhood Residential (R-3) zone for the subject property in order to construct a childcare center. A conditional use permit for this use has also been submitted in association with the requested rezoning.

CASE REVIEW

The petitioner has requested a zone change from a Townhouse Residential (R-1T) zone to a Planned Neighborhood Residential (R-3) zone for less than four acres of property, located along the south side of Higbee Mill Road.

Higbee Mill Road is a sub-standard (formerly rural) roadway located on the west side of Clays Mill Road that parallels Man o' War Boulevard in this vicinity of the Urban Service Area. The subject property is located between Higbee Mill Road and Man o' War Boulevard, and access to the developable portion of the subject property is proposed along the eastern edge of the site. No vehicular access to Man o' War Boulevard will be permitted. Cornwall Drive, a collector street from the north in the Waverly Estates subdivision, intersects Higbee Mill Road to the west of the subject property's frontage.

The immediate area is characterized by single-family residential neighborhoods on both sides of Man o' War Boulevard (with R-1C, R-1D and PUD-1 zoning), with recent development plans approved for townhouses to the immediate west and south of the subject property (R-1T zoning). When Man o' War Boulevard was constructed, the roadway bisected the Wynndale Subdivision property, creating a 7-acre site on the north side of Man o' War Boulevard and a 5.5-acre site on the south side of Man o' War Boulevard. These sites have remained vacant until recently when the properties became available for development. The 5.5-acre site to the south is currently being developed at the end of Kings Glen Park with 22 townhouse dwelling units and associated parking, and a 3.2-acre site immediately to the west of the subject property is proposed to be developed with another 20 townhouse dwelling units and associated parking. Higbee Mill Park is located kitty-corner from the subject property, on the north side of Higbee Mill Road. In addition, the property to the immediate east of the site remains mostly vacant and in an Agricultural Urban (A-U) zone.

The petitioner is requesting an R-3 zone and an associated conditional use permit in order to construct a child care center of about 9,200 square feet in size for 100 children, and associated off-street parking and outdoor play area. The proposed structure would be located along the Man o' War Boulevard frontage of the subject property, outside of the FEMA 100-year floodplain. The proposed occupant (ChildCare Network) has an existing center established in the Boston Road Shopping Center within close proximity to the subject property. They wish to find a permanent location that offers an outdoor play area adjacent to the building and that is near their existing clientele in south/southwest Lexington.

Last year, the subject property, as well as the adjacent 3.2 acres that is currently planned for a townhouse development to the immediate west, was proposed for the same rezoning, from the R-1T zone to an R-3 zone (MAR 2016-1: Turwell, LLC). That particular proposal for 48 multi-family residential dwelling units was met with strong neighborhood opposition. The Planning Commission recommended disapproval of that request last February, and the petitioner withdrew the application in early March.

The petitioner contends that the proposed rezoning is in agreement with the 2013 Comprehensive Plan because the Goals and Objectives encourage identifying opportunities for infill, redevelopment and adaptive reuse that respect an area's context and design features (Theme A, Goal #2a.); providing accessible community facilities (Theme D, Goal #2); and encouraging the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1a., #1b. and #3). In addition, the staff would note that the Goals and Objectives of the Plan also encourage providing for well-designed neighborhoods (Theme A, Goal #3); minimizing disruption of natural features when building new communities (Theme A, Goal #3d.); and identifying and protecting natural resources and landscapes before development occurs (Theme B, Goal #3a.).

Although not explicitly considered a "community facility" by the 2013 Comprehensive Plan, childcare centers and after-school care for children are a necessary service in support of the community's employers and public school system. Locating such uses near residential neighborhoods is appropriate to provide services to the immediate area. The proposed development will utilize vacant property along Man o' War Boulevard, and such higher intensity of use is appropriate along minor arterial corridors, where the direct impact on established neighborhoods can be minimized. This is consistent with the staff's recommendation last year for possible higher density residential development on the subject property in this same developable area of the subject site. Although access to the site is from Higbee Mill Road, the traffic impact is not considered "significant" according to the Zoning Ordinance criteria established in Article 6. Lastly, the proposed use will be located beyond the limits of the 100-year floodplain, its 25-foot setback and the required riparian buffer; thereby, protecting the natural features of the site.

The petitioner has offered a conditional zoning restriction in response to neighborhood concerns last year regarding high density residential development at this location. For this reason, the staff recommends that a conditional zoning restriction be placed on the property.

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

1. A restricted Planned Neighborhood Residential (R-3) zone at this location would be in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of the Plan identifying opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A, Goal #2a.); providing accessible community facilities (Theme D, Goal #2); and encouraging the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1a., #1b. and #3). In addition, the staff would note that the Goals and Objectives of the Plan also encourage providing for well-designed neighborhoods (Theme A, Goal #3); minimizing disruption of natural features when building new

communities (Theme A, Goal #3d.); and identifying and protecting natural resources and landscapes before development occurs (Theme B, Goal #3a.).

- b. Although not explicitly considered a “community facility” by the 2013 Comprehensive Plan, childcare centers and after-school care for children are a necessary service in support of the community’s public school system, which is a designated community facility. Locating such uses near residential neighborhoods is appropriate to provide services to the immediate area in a convenient manner.
 - c. The proposed development will utilize vacant property along Man o’ War Boulevard, and such higher intensity of use is appropriate along minor arterial corridors, where the direct impact on established neighborhoods can be minimized.
 - d. By improving and utilizing the existing crossing for the South Elkhorn Creek and its floodplain, rather than modifying the FEMA floodplain, the natural features of the property can be protected in a more thorough and comprehensive manner. The proposed child care center is located outside of the FEMA 100-year floodplain, and its associated setback and riparian buffer.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00011: Wynndale Subdivision, Lot 2B, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
 3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction is recommended via conditional zoning for the subject property:
 - a. Multi-family residential dwelling units shall be prohibited.
This restriction is appropriate because it has been offered by the applicant in order to protect the adjacent residential properties to the north of the subject property.