

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**MAR 2015-27: ANDERSON BRIDGEWATER, LLC**

**DESCRIPTION**

**Zone Change:** From an Expansion Area Residential-1 (EAR-1) zone  
To an Expansion Area Residential-3 (EAR-3) zone

**Acreage:** 12.32 net (12.51 gross) acres

**Location:** 425 Chilesburg Road

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	EAR-1	Townhouses
To North	A-R & R-1D	Agricultural & Single-Family Residential
To East	A-R & EAR-1	Agricultural & Single-Family Residential
To South	A-R & EAR-1	Single-Family Residential
To West	A-R	Jacobson Park & Agricultural

**URBAN SERVICES REPORT**

**Roads** – The subject property fronts on Chilesburg Road, a two-lane, rural collector roadway. Chilesburg Road was designated a Rural Scenic Road by the Expansion Area Master Plan. As a result of this designation, no improvements are anticipated to be made to Chilesburg Road, now or in the future. Bridgewater Way, a local street, has been constructed within the south half of the subject property. It intersects Chilesburg Road very near one of its 90 degree curves, and nearly borders the Jacobson Park property boundary. Bridgewater Way is planned to bridge the Pipeline Tributary of East Hickman Creek and its associated floodplain, then transition into a private access easement to serve the north half of the subject property.

**Curb/Gutter/Sidewalks** – Chilesburg Road is a narrow, rural roadway with no gutter, curbing or sidewalks. Sidewalks, curb and gutter will be constructed by the developer as new local public streets are completed.

**Storm Sewers** – The subject property is located within the East Hickman Creek watershed. The subject property is divided by the Pipeline Tributary, which flows directly into Lexington Reservoir No. 4 within Jacobson Park to the west. There is a FEMA special flood hazard area associated with the tributary that is between 200 and 300 feet wide. An area-wide stormwater management system is proposed to serve Expansion Area 2C, including a wetlands mitigation area on the subject property, within the existing FEMA special flood hazard area.

**Sanitary Sewers** – Sanitary sewers have been constructed to serve the southern half of the subject property and are planned to be extended across the floodplain to serve the north half when it is developed. There are no known service problems associated with sanitary sewers in this portion of the Urban Service Area. The subject property is located within the East Hickman sewershed and will be serviced by the West Hickman sewage treatment facility located in northern Jessamine County.

**Refuse** – The Urban County Government provides refuse collection on Fridays to residences within this portion of the Urban Service Area. Additional refuse collection services may be contracted for the proposed apartment complex, as necessary.

**Police** – The property is located within Police Sector 3 and will be served by the East Sector Roll Call Center. This police station is located off Centre Parkway in the Tates Creek area, about four miles to the west of the subject property.

**Fire/Ambulance** – Fire Station #21 is the nearest one to the subject property. It is located on Mapleleaf Drive, outside of Man o' War Boulevard, less than one mile to the northwest from the subject property. An additional fire station has been proposed near the intersection of Hays Boulevard and Athens-Boonesboro Road.

Utilities – All utilities are available in the immediate area and could be extended if needed to serve the subject property, including street lights, electric, gas, water, telephone, and cable television service.

### **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 2013 Comprehensive Plan also encourages growing successful neighborhoods (Theme A) by expanding housing choices (Goal #1), supporting infill and redevelopment as a strategic component of growth (Goal #2), and providing well-designed neighborhoods and communities (Goal #3). In addition, the Plan calls for maintenance of the boundaries of the Urban Service Area (Theme E, Goal #3).

The subject property is located within the Expansion Area, more specifically Subarea 2C. The Expansion Area Master Plan recommends Expansion Area Residential-1 future land use for the subject property, with a Special Design Area along Chilesburg Road. The Expansion Area Residential-1 land use would permit a maximum of three dwelling unit per gross acre of land.

The petitioner proposes a high density residential development with townhouses and a clubhouse in the southern portion of the subject property near Chilesburg Road (17 dwelling units), and an apartment complex in the northern portion of the site (192 dwelling units), for a total of 209 dwelling units and a residential density of 16.71 units per gross acre.

### **CASE REVIEW**

The petitioner has requested a zone change from an Expansion Area Residential-1 (EAR-1) zone to an Expansion Area Residential-3 (EAR-3) zone for approximately 12.5 acres of property located along Chilesburg Road.

The subject property is located on the north side of Chilesburg Road, between Todds Road and Athens-Boonesboro Road. Several residential subdivisions are located near the subject property: the Andover Hills (also known as Lochmere) subdivision borders the site to the northeast (R-1D zone), a portion of the Gess property is located across Chilesburg Road to the southeast, and the Still Meadows subdivision is located further to the east in this general area (both in an EAR-1 zone). There remain a few undeveloped properties along Chilesburg Road in this vicinity as well, including two parcels (one on either side of the subject property) that constitute the Graham Tucker property. In addition, Jacobson Park borders the property to the west.

The petitioner proposes development of a combination of townhouses and multi-family residential buildings (a total of 209 dwelling units on 12.51 acres of land), which would result in a residential density of 16.71 dwelling units per gross acre. A portion of the proposed development has been constructed within the southern portion of the property, between the FEMA floodplain and Chilesburg Road. The petitioner now desires to construct multi-family residential within the northern portion of the property, between the FEMA floodplain and the adjoining Andover Hills subdivision, all along the Jacobson Park boundary. A total of eight apartment buildings are proposed with 192 dwelling units, and 312 bedrooms.

The 2013 Comprehensive Plan establishes Themes, Goals and Objectives to further the vision for the future land use development of our community. However, the 1996 Expansion Area Master Plan remains in effect, and Article 23 of the Zoning Ordinance still requires a finding that all new developments must comply with that Plan, in order to be approved by the Planning Commission. In the case of the current rezoning request, the more detailed recommendations of the EAMP (Subarea 2C) must be reviewed.

The subject property was added to the Urban Service Area in 1996, with the adoption of the Expansion Area Master Plan (EAMP). Expansion Area 2C of the EAMP recommends Expansion Area Residential-1 (EAR-1) future land use for the subject property, at a density of between 0 and 3 dwelling units per gross acre. In 2010, the petitioner rezoned the property from an Agricultural Rural (A-R) zone to the recommended EAR-1 zone. At

that time, the associated development plan depicted a density of exactly 3.0 units per gross acre, in conformance with the EAMP and the Zoning Ordinance. That development plan also adhered to the EAMP recommendation for a Special Design Area (SDA) within a 200-foot setback along the EAMP-designated Rural Scenic Roadway (Chilesburg Road). Within the SDA, development is allowed up to the maximum permitted density of the EAR-1 zone, provided that it is clustered so that 60% of the land remains as common open space. The overall objective of these areas is to minimize the visual impact of the development on the adjoining rural road. At a proposed overall density of 16.71 dwelling unit per acre, the staff finds that the current request is not in agreement with the Expansion Area Master Plan.

The petitioner contends that their request is both in agreement with the current Comprehensive Plan and more appropriate than the existing zoning for the subject property. The Comprehensive Plan does recommend locating higher density development adjacent to a public open space, such as Jacobsen Park. This allows a greater number of people to access and take advantage of the community resource (page 44). However, the higher density, in this case, will also be adjacent to an established single-family residential neighborhood (Andover Hills) and adjacent to what is planned for a low density development on the Graham Tucker Property to the east (recommended for an EAR-1 land use).

The petitioner also opines that the Goals and Objectives support their request for higher density development at this location, specifically goals in Theme A (Growing Successful Neighborhoods) and Theme E (Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land). Theme A, Goal #1 recommends expanding housing choices within the community, providing housing that addresses the market needs for all residents, and providing safe, affordable and accessible housing to meet the needs of older or disadvantaged residents. Although the petitioner is proposing an alternative housing type to single-family residences, townhouses and apartments have been constructed or have been planned for Expansion Area 2c within both the Chilesburg (Gess Property) and Stuart Hall (Richardson Property) neighborhoods, but this proposal will provide some variety in housing at this location.

The petitioner also claims that the Expansion Area has been “developed below the midpoint of its population projections.” In fact, Expansion Area 2C was projected to have an average density of 2.78 dwelling units per acre (population of 6,449 residents), but has actually developed (or is now planned) at a density of 3.54 dwelling units per acre, which exceeds the midpoint. This density does not include any units on vacant tracts which have yet to be rezoned (approximately 24 acres). Most of the stormwater and sewer infrastructure within the Expansion Area was designed on a regional scale and sized for the maximum recommended density (which is 5.0 dwelling units per acre in EA2C). The proposed increase from 38 units to 209 units would not impact these two types of infrastructure, given the current density of the area. However, the current condition of Chilesburg Road and its status as a Rural Scenic Road, designated by the EAMP and the Zoning Ordinance, does give pause to the staff in terms of infrastructure adequacy. Chilesburg Road is not planned for expansion or widening in order, at least in part, to maintain the rural, scenic nature of the immediate area. This presents a possible safety issue in terms of adding 171 new units to the area.

The staff recognizes Jacobson Park as an amenity for the area and sees the benefit of locating higher density development near the park as was implemented closer to the park’s Richmond Road entrance. However, there is a need to provide a transition between the proposed use and the existing and planned low density developments.

The petitioner’s proposal does not adequately address the roadway infrastructure needs of the proposed use or the need for a transition in order to satisfy the staff. At this point, the staff suggests a postponement to consider these issues, and permit their further consideration.

**The Staff Recommends: Postponement, for the following reasons:**

1. The proposed rezoning to Expansion Area Residential-3 is not in agreement with the Expansion Area Master Plan (for Expansion Area 2C), which is an element of the adopted 2013 Comprehensive Plan. High-density residential development was not envisioned for land that adjoined the Urban Service Area boundary at that time (including the subject property), in order to respect the established residential neighborhoods, such as Andover Hills.

2. An adequate transition between land uses, specifically Andover Hills subdivision and the future Tucker Property development, has not been established to create a well-designed community as recommended by Theme A, Goal #3 of the 2013 Comprehensive Plan.
3. Chilesburg Road, an existing two-lane rural roadway, has been designated by the Expansion Area Master Plan and the Zoning Ordinance as a Rural Scenic Roadway, which cannot be improved. The staff is concerned that the existing roadway may not be adequate to handle the proposed increase in density at this location, as no traffic impact study has been performed for this zone change.

TLW/BJR/WLS

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