

REVISED STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

MARV 2015-8: DR. MICHAEL GENTRY & RML CONSTRUCTION (AMD.)

DESCRIPTION

Zone Change:

<u>REQUEST</u>		<u>ACREAGE</u>	
<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
R-1D	B-4	2.43	2.74
R-1D	R-4	1.74	1.80
TOTAL		4.17	4.54

Location: 2833 Liberty Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-1D	Vacant
To North	A-U & P-1	Future Trail/Access to KU Sub-Station & Offices
To East	R-3 & R-4	Multi-Family Residential
To South	R-1D	Single-Family Residential
To West	R-1D/H-1 & I-1	Single-Family Residential & Link-Belt

URBAN SERVICES REPORT

Roads – Liberty Road (KY 1927) was significantly improved in 2008, including a re-alignment of the roadway, widening and intersection improvements with Old Todds Road (formerly Todds Road) near Man o' War Boulevard. It is a minor arterial that has a major signalized intersection at Man o' War Boulevard. The re-configured intersection of Liberty Road and Old Todds Road, just north of Man o' War Boulevard, has improved traffic flow and roadway capacity in this portion of the Urban Service Area. The subject property fronts on Liberty Road for approximately 210', and fronts on Campbell Lane, a sub-standard local street (an old county road), for approximately 300'. No new access to the property is proposed along Campbell Lane since it is a narrow roadway serving only nine single-family residences.

Curb/Gutter/Sidewalks – Within the past decade, the re-alignment and widening of Liberty Road allowed for improvements, including construction of curb, gutter and sidewalks on both sides of that roadway. Campbell Lane is lacking all of these typical urban improvements.

Storm Sewers – The subject property is located in the upper reaches of the East Hickman watershed. There is no FEMA special flood hazard area designated for the property, and there are no known flooding problems within the immediate area. Currently, there are no storm sewers or other stormwater improvements on the subject property. The developer has not yet indicated how they plan to accommodate stormwater for this 4+ acre site, but will be required to document compliance with the Division of Engineering Stormwater Manuals prior to any construction on the subject property.

Sanitary Sewers – The subject property is located within the East Hickman sewershed, which is served by the West Hickman Wastewater Treatment Plant in northern Jessamine County. No sanitary sewers are currently available to the subject property, but it could be connected to the sanitary sewer system through nearby existing lines.

Refuse – The Urban County Government serves this portion of the Urban Service Area with collection on Tuesdays. If approved for a commercial development, refuse collection may need to be supplemented by a private service provider to accommodate the specific needs of this business.

Police – The subject property is located within Police Sector 3 (East Sector), although the nearest police station is located approximately 4 miles northwest of the subject property, at the Central Sector Roll Call Center near Eastland Shopping Center.

Fire/Ambulance – The nearest fire station to the property is Station #21, located approximately ¾ mile southwest of the subject property at the intersection of Mapleleaf Drive and Dabney Drive, across Man o' War Boulevard.

Utilities – Natural gas, telephone service, electric, water, streetlights, and cable television are all available to the areas surrounding the subject property, and can easily 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 petitioners propose to construct a veterinary clinic with an associated animal kennel, and a 28-unit apartment building with associated off-street parking. The proposed vet clinic and kennel facility will be enclosed (\pm 20,000 square feet of space), with a small outdoor play area planned, and will also have considerable off-street parking.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Residential (R-1D) zone to a Wholesale and Warehouse Business (B-4) zone and a High Density Apartment (R-4) zone, for slightly more than four acres of property located on the east side of Liberty Road between the signalized intersections at Star Shoot Parkway and Old Todds Road. The applicants have decided to amend the original request (rezoning the entire subject property from R-1D to B-4), following the review comments from the Planning staff and the Planning Commission’s Subdivision and Zoning (sub)Committees.

The subject property is located to the north of Campbell Lane, an old rural subdivision of only a handful of lots, and it is situated to the east of Cadentown, a local historic district. The property is also situated to the south of the access into a Kentucky Utilities sub-station, located near Man o’ War Boulevard. This access was formerly a railroad right-of-way and is proposed for a future connection between the existing Liberty and Brighton Rail Trail extension. Beyond the utility access, the Pink Pigeon Professional Office Park is part of the larger Hamburg Farm Development.

Different types of residential land uses exist in the vicinity. To the south of Campbell Lane is a townhouse development (Kennedy Landing) and an apartment complex (Brighton 3050); and to the northwest exists vacant land, also zoned residentially. Further to the northwest, along Liberty Road, there is a LFUCG greenway with a shared-use trail, several churches, and Liberty Elementary School, as well as several single-family residential neighborhoods (Rambling Creek and Danby Corners). Non-residential land uses in the immediate vicinity include Link-Belt (which is accessed from Palumbo Drive), and several neighborhood businesses closer to Man o’ War Boulevard within the Todds Center and Brighton Place Shoppes shopping centers (both in a restricted zoned B-1 zone). The area includes restaurants, a pharmacy, a convenience store, professional service businesses, and a car wash.

In 2008, Liberty Road was widened and realigned so that it connected directly to Man o’ War Boulevard, and that change slightly altered the subject property’s frontage. The re-alignment and improvement of Liberty Road has enhanced the traffic patterns in this portion of the Urban Service Area. Further, the more recent signalization of the Old Todds Road and Liberty Road intersection has reduced some traffic conflicts that existed when the new intersection was first opened.

The petitioners request a rezoning of the front portion of the subject property to a B-4 zone in order to relocate the Sheabel Pet Care Center, which includes a veterinary clinic and animal kennel, from their current location near the New Circle Road and Richmond Road interchange. The business has occupied the current site for 60 years, but now wishes to expand and modernize its operation. In order to do so, they are seeking to relocate to a larger site. The petitioner proposes a 20,000 square-foot building on the site with associated off-street parking, and has submitted a list of possible conditional zoning restrictions for the property to limit the impact of the proposed zone. A dimensional variance is also being requested with the zone change application in order to reduce the 100-foot setback from a residential zone for the proposed kennel and veterinary clinic (only along the northern property boundary).

The 2013 Comprehensive Plan no longer includes a parcel-based land use element; rather, it encourages land use decisions to be made based upon small area plan recommendations, policy statements and the Goals and Objectives of the Plan. The petitioner contends that the requested rezoning for a Wholesale and Warehouse Business (B-4) zone is in agreement with the Comprehensive Plan, specifically to “provide for accessible community facilities and services to meet the health, safety and quality of life needs” (Theme D, Goal #2); to “enable infill and redevelopment that creates jobs where people live” (Theme C, Goal #1.d.); to attract and retain high-paying jobs (Theme C, Goal #2.c.); “to support infill and redevelopment that respects the area’s context and design features” (Theme A, Goal #2.a.); and to uphold the Urban Service Area concept by encouraging “compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs” (Theme E, Goal #1.b.).

The petitioners also claim that their request is supported by the policy sections of the Comprehensive Plan, including citations relating to the provision of quality public and semipublic services; “the ideal structure of a neighborhood” that includes places to work (such as Sheabel); the desire to provide opportunities for workforce improvement and growth; and continual evaluation of the zoning map to enable job development opportunities. The amendment, to include

rezoning close to two acres to R-4 zoning for the rear portion of the subject site, will allow the planned Brighton Trail to serve the subject property. The rear portion of the property can then develop in a similar fashion to the Brighton 3050 apartment complex, which has previously been found to be an appropriate type of housing in this vicinity.

In evaluating Dr. Gentry's original zone change application, the staff noted in the staff report that the 2013 Comprehensive Plan goals and objectives that promote business expansion, improving the quality of life and providing services to the community are important priorities; but they must also be balanced with the community's need for additional residential land use. While the proposed veterinary clinic and kennel provides a service to the community (which some might argue is a critical service), the new amendment provides the expanded business to balance with the need for 28 new residential dwelling units.

The 2013 Comprehensive Plan encourages the consideration of how proposals relate to existing development in the immediate vicinity, as well as the protection of neighborhoods and residential areas from incompatible land uses. The Goals and Objectives encourage expanding housing choices (Theme A, Goal #1); planning for housing near employment and commercial areas, but not replacing residential land to create a new node for employment (Theme A, Goal #1.b.); and supporting infill and redevelopment if it is respectful of the area's context and design features (Theme A, Goal #2.a.).

Beyond the goals and objectives, policy statements in the Plan focus on the need for the development of land in the most appropriate relationships, compatibility of land uses and creating neighborhood nodes of commercial development or a focal point. A neighborhood node already exists a short distance away at Man o' War Boulevard and Liberty Road in this immediate vicinity, which will be expanded with this zone change. The Comprehensive Plan also encourages the placement of residential land and development nearest to our parks and greenways to ensure that they are utilized to the highest extent possible. The proposed R-4 zoning category is more complementary of these specific recommendations at this location, which are overarching ideas of the Plan. Further, the proposed R-4 rezoning of the subject property would generally be compatible with the existing single-family residential development along Campbell Lane, with the historic Cadentown area, and what may occur on the vacant, smaller parcels to the north.

Although no other B-4 zoning currently exists in the immediate vicinity, the service nature of the animal clinic and indoor kennel is not inconsistent with uses in shopping centers such as the two small centers on either side of the Man o' War intersection with Liberty Road. However, its scale and the owner's desire for a modern expansion of their similarly situated clinic on Richmond Road, require the larger location now proposed on the subject site.

With the more recent amendment to the original application, the staff finds that the proposed zone change is now in agreement with the Comprehensive Plan, and is much more in keeping with the character of the immediate area, and the more detailed policy provisions of the Plan.

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

1. The requested rezoning to a High Density Apartment (R-4) zone, and for a lesser acreage to a Wholesale and Warehouse Business (B-4) zone, is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives and policy statements of the Plan encourage the consideration of how proposals relate to existing development in the immediate vicinity, and focus on protecting neighborhoods and residential areas from incompatible land uses. A neighborhood node already exists a short distance away at Man o' War Boulevard and Liberty Road, which will be expanded with this rezoning to R-4.
 - b. The Comprehensive Plan also encourages the placement of residential land and development nearest to our parks and greenways to ensure that they are utilized to highest extent possible. This amended zone change application to an R-4 zone will accomplish this recommendation, since the Brighton Trail is planned for the former railroad line immediately north of this location.
 - c. Some 35-40 persons are to be employed at this location (which equates to about 15 jobs/acre), some of which will be veterinary professionals. Quality pet care and modern animal boarding facilities are an important service that adds to the quality of life in our community.
2. This recommendation is made subject to the approval and certification of ZDP 2015-49: CADENTOWN SUBDIVISION – ANIMAL HOSPITAL/CLINIC, prior to forwarding this 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 uses shall be prohibited in any B-4 zoning approved for a portion of the subject property:
 - a. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; painting; publishing; lithographing; engraving; electrical; major automobile and truck repairing; sign painting; upholstering; tile, mosaic and terrazzo work; electroplating; interior decorating.
 - b. Cocktail lounges and nightclubs, or the serving of alcoholic beverages.

- c. Laundry, clothes cleaning or dyeing shop.
- d. Ice plant.
- e. Tire re-treading and recapping.
- f. Machine shop.
- g. Offices of purchases, processors and handlers of agricultural products.
- h. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.
- i. Truck terminals and freight yards.
- j. Automobile service stations.
- k. Major or minor automobile and truck repair.
- l. Establishments for the display and sale of precut, prefabricated or shell homes.
- m. Circuses and carnivals.
- n. Retail sale of building materials and lumber.
- o. Pawnshops.

These use restrictions are appropriate and necessary for the subject property since they were volunteered by the original zone change applicant, since they will ensure continued agreement with the 2013 Comprehensive Plan; and, most importantly, since they will provide greater protection for the adjacent residences and Local Historic District surrounding this location.

TLW/BJR/WLS
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