

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

**MAR 2016-3: RML CONSTRUCTION, LLP**

**DESCRIPTION**

**Zone Change:** From a Single Family Residential (R-1D) zone  
To a High Density Apartment (R-4) zone

**Acreage:** 0.31 net (0.38) acre

**Location:** 836 Campbell Lane

**EXISTING ZONING & LAND USE**

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-1D	Single-Family Residence
To North	R-4	Vacant
To East	R-4	Multi-Family Residential
To South	B-3	Townhouses
To West	R-1D	Single Family Residential

**URBAN SERVICES REPORT**

Roads – Campbell Lane is a narrow and substandard local street that is accessible from Liberty Road (KY1927), to the north of its intersection with Todds Road and Man o’ War Boulevard. Campbell Lane, which is approximately 14 feet wide, is an old county road that does not meet current local street standards. Campbell Lane currently terminates without a cul-de-sac or hammerhead for turnaround of vehicles. A portion of Campbell Lane has been used as access to the rear portion of the adjoining apartment complex and its off-street parking since 2009. Through access from Liberty Road to the multi-family residential complex is blocked by an emergency gate and overgrown vegetation. Access to the subject property will be from the adjoining multi-family residential complex, with plans to close the Campbell Lane right-of-way along the subject site’s frontage.

Curb/Gutter/Sidewalks – Campbell Lane was constructed without curb, gutter or sidewalks. In 2008, the realignment and widening of Liberty Road allowed for some limited curbing to be constructed at the Campbell Lane and Liberty Road intersection to provide an appropriate transition from the new road to the rural cross-section. Additional improvements to Campbell Lane are not anticipated in the future for either this old rural roadway, or along the existing frontage of the subject property if the right-of-way is successfully closed.

Storm Sewers – The subject property is located within the East Hickman Creek watershed, which generally drains to the Jacobson Park reservoir in this portion of Fayette County. No storm sewers or stormwater improvements exist on the subject property, nor are any planned. Rather, stormwater runoff from the subject property is planned to flow toward the adjacent multi-family residential development and the detention basin located thereon. The developer 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 in the East Hickman sewershed, which is served by the West Hickman Wastewater Treatment Plant. The subject property is planned to be connected to the sanitary sewer through the existing multi-family residential development of which it is proposed to become a part (Brighton 3050). Sanitary sewers along Campbell Lane, including a connection for the subject property, were recently completed by LFUCG.

Refuse – The Urban County Government serves Campbell Lane with residential refuse collection on Tuesdays. As part of the larger multi-family residential development to the south, additional refuse collection may already be occurring for the Brighton 3050 development.

Police – The nearest police station is located approximately 3 miles northwest of the subject property, at the East Sector Roll Call Center (Police Sector 3) on Goodwin Drive, near the Winchester Road and New Circle Road interchange.

Fire/Ambulance – The nearest fire station to the property is Station #21, located approximately  $\frac{3}{4}$  mile southwest of the subject property on Mapleleaf Drive, across Man o' War Boulevard.

Utilities – Natural gas, telephone service, electric, water, and cable television are all available to the areas surrounding the subject property. All can easily be extended to serve the property if it is permitted to incorporate into the adjoining development.

### **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 expanding housing choices (Theme A, Goal #1), locating higher density development near greenways and public parks, and creating neighborhood nodes of commercial development to support residential neighborhoods.

The petitioner proposes a High Density Apartment (R-4) zone for the subject property to allow for expansion of the "Brighton 3050" (formerly "The Summit") apartment complex. The petitioner proposes to incorporate the subject property and the rear portion of 2833 Liberty Road, which was recently rezoned, into the apartment complex and construct two buildings, with a total of 56 residential dwelling units. Overall, the Brighton 3050 site is planned to have 372 dwelling units, for a density of approximately 19.9 dwelling units per net acre.

### **CASE REVIEW**

The petitioner has requested a zone change from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone for about one-third of an acre of property located at the terminus of Campbell Lane.

Campbell Lane is a stub street located on the northeast side of Liberty Road, approximately 1,300 feet north of the Liberty Road, Todds Road and Man o' War Boulevard intersection. Campbell Lane is also about  $\frac{1}{2}$  mile south of the signalized Liberty Road and Star Shoot Parkway intersection. The subject property is located at the terminus of Campbell Lane, along the south side and adjacent to the existing Brighton 3050 apartment complex (formerly "The Summit"). Campbell Lane was developed in the 1940s and 50s as part of a rural subdivision, and currently serves eight single-family residential homes.

The immediate vicinity was a rural crossroads for many years, with Bryant Road, Todds Road, and Liberty Road all entering the Cadentown area. When Man o' War Boulevard was constructed, the intersection remained, but its use diminished. In 2008, Liberty Road was widened and realigned so that it connected directly to Man o' War Boulevard and Todds Road. The development of commercial uses on both corners changed the character of the area to some extent. The immediate area is comprised of both residential and business uses, as well as the local Historic District that encompasses the Cadentown residential area to the west. This portion of the Urban Service Area has developed over the past 20 years since the construction of Man o' War Boulevard with a combination of neighborhood business and office uses fronting along Man o' War Boulevard, with residential uses to the rear of the business uses or along Liberty Road.

The Adams Property, which is located adjacent to the subject property (northeast and southeast), was developed by the applicant, RML Construction, as an apartment complex between 2005 and 2008, and it is now known as Brighton 3050. Within the past two years, RML Construction has successfully rezoned three adjoining parcels in order to expand the complex to include frontage along Liberty Road at the Brighton Place Shoppes entrance, and about 1.75 acres across Campbell Lane from the subject property. The apartment complex is primarily zoned Planned Neighborhood Residential (R-3), with High Density Apartment (R-4) zoning and Neighborhood Business (B-1) zoning along its southeast and southwest edges. The existing apartment complex is situated to the rear of the Brighton Place Shoppes (when viewed from Man o' War Boulevard), and also behind the Kennedy Landing townhome development (when viewed from Liberty Road). Properties to the southwest along Campbell Lane, and across Liberty Road within the Cadentown residential area, remain zoned R-1D for single family residential use.

The petitioner is now requesting the rezoning to R-4 of this small tract along Campbell Lane to essentially complete the Brighton 3050 apartment complex. A 28-unit building is proposed that would straddle the Campbell Lane right-of-way and be partially located on the existing R-4 land across Campbell Lane (currently part of 2833 Liberty Road). The overall density of the apartment complex is approximately 19.9 dwelling unit per acre.

The petitioner contends that the proposed rezoning is in agreement with the 2013 Comprehensive Plan because the Plan encourages a variety of housing types, locating multi-family residential development near public parks and greenways, and encourages developing neighborhood nodes to serve surrounding residential areas. Although the applicant is proposing to add a number of multi-family dwelling units with the requested rezoning, that is not a unique or even uncommon development type within the immediate area. In fact, the applicant is proposing to expand an existing large apartment complex to a total of 372 dwelling units. In addition, the subject property is not located adjacent to a public park or the proposed Brighton Rail Trail extension, planned for the abandoned railroad easement to the north. Lastly, the proposed residential development does not build on the commercial neighborhood node. The staff does not agree that this zone change is in agreement with the 2013 Plan.

Rather, the staff believes that the proposed zone change is appropriate and the existing R-1D zone is no longer appropriate for four reasons. First, the redevelopment of the site is compatible with and sensitive to the character of the immediate area, especially since the parcel across Campbell Lane was rezoned to the R-4 zone in December 2015. Also, the applicant proposes to close Campbell Lane and construct a 28-unit building straddling the right-of-way, which will effectively complete the Brighton 3050 complex because additional expansion along Campbell Lane will be difficult. Second, the proposed R-4 expansion will create a more "straight" zoning boundary, rather than leaving a "notch" around an existing single-family home. This will improve the transition between zones and will allow for a solid and consistent landscape screen and buffer area between these uses. Third, while not a part of the neighborhood node, a multi-family residential use is considered a complementary land use that can support neighborhood-oriented development because of the higher residential density. Additionally, although single-family residential development is possible at this location, the surrounding zoning and proposed land use suggests that a more intense use of the property is more appropriate, especially given that it is currently bounded by R-4 on three sides. For these reasons, the staff finds that the proposed zone change is appropriate for the subject property and in keeping with the character of the immediate area.

Lastly, similar to the adjoining R-4 expansion that occurred in 2008, the staff would suggest a conditional zoning restriction to limit outdoor lighting near the remaining single family residences along Campbell Lane.

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

1. Even though the requested High Density Apartment (R-4) zone is not in agreement with the 2013 Comprehensive Plan, it is appropriate and the existing Single Family Residential (R-1D) zone is inappropriate, for the following reasons:
  - a. Although single-family residential development is possible at this location, the surrounding zoning and proposed land use suggest that a more intense use of the property is more appropriate, especially since the subject property is bounded on three sides by R-4 zoning.
  - b. The proposed rezoning of the subject property will be compatible with and sensitive to the character of the immediate area, especially since the parcel across Campbell Lane was rezoned to R-4 in December 2015. Also, the proposed closure of Campbell Lane and construction of a residential building straddling the right-of-way will effectively complete the Brighton 3050 complex because additional expansion along Campbell Lane will be difficult.
  - c. The proposed R-4 expansion will create a more typical zoning boundary (extending straight from a shared property boundary with the Kennedy Landing development across Campbell Lane), rather than having a “notch” around an existing single-family home. This will improve the transition between zones and will allow for a solid and consistent landscape screen and buffer area between uses.
  - d. The proposed multi-family residential land use is considered a compatible and complementary land use that can support the established neighborhood-oriented development (Brighton Place Shoppes) because of its higher density.
2. This recommendation is made subject to the approval and certification of ZDP 2016-5: Cadentown Subdivision, Lots 3 and 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.
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. Any lighting installed on the subject property shall be directed downward and shall be directed away from any single-family residential zone.

This restriction is appropriate in order to protect the adjacent low density residential properties to the southwest of the subject property from the possible light pollution associated with the proposed apartment building and its off-street parking area.

TLW/BJR/WLS

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