

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2015-12: SOLOMON VAN METER

DESCRIPTION

Zone Change: From a Wholesale and Warehouse Business (B-4) zone
To a Neighborhood Business (B-1) zone

Acreage: 2.865 net (3.457 gross) acres

Location: 1447 Antique Drive

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-4	Vacant
To North	B-1	Apartments
To East	B-1	Offices
To South	B-1	Shopping Center
To West	B-1 & R-1C	Shopping Center & Single Family

URBAN SERVICES REPORT

Roads – Leestown Road (US 421), which becomes West Main Street a short distance to the southwest, is a major arterial that serves this portion of the community. It carries a large amount of traffic, as it is the primary route for the area’s industrial traffic and some large residential subdivisions such as Meadowthorpe and Masterson Station. Along the frontage of the subject property, Antique Drive is a public street that connects Burke Road and North Forbes Road, both of which have signalized intersections with Leestown Road. Antique Drive was accepted for dedication by the Urban County Government a few years ago, and it functions as a service road for truck traffic serving the stores, offices and restaurants in the Meadowthorpe Shopping Center, located between Burke and Forbes Roads on Leestown Road.

Curb/Gutter/Sidewalks – Antique Drive and Leestown Road do not have a curb, gutter, or sidewalks along their frontages between Burke Road and North Forbes Road. Burke Road and North Forbes Road, however, were constructed years ago to full urban standards with curb, gutter, and sidewalks.

Storm Sewers – This property is within the Town Branch watershed. Although the subject property does not abut a creek or an obvious drainage way, the property is entirely in a “temporary drainage easement” that was platted on the subject property in 1986. Some type of storm water detention will likely be required on site, so as not to allow any increase in the rate of storm water runoff onto surrounding properties, since the property currently has no impervious surface area.

Sanitary Sewers – This property is in close proximity to the Town Branch Wastewater Treatment Facility, owned by the Urban County Government. There are no known sanitary sewer problems between this location and the treatment plant.

Refuse – This area is served by the Urban County Government with collection days on Thursdays. Commercial developments often contract with private companies to provide additional refuse collection, as needed.

Police – The nearest police station is the West Sector Roll Call Center, located on Old Frankfort Pike, approximately one mile to the southwest of the subject property.

Fire/Ambulance – The nearest fire station is Station #13, located on Leestown Road, one block to the southwest of the subject property.

Utilities – Natural gas, electric, streetlights, phone, water, and cable are all available to this area, and can be upgraded and extended to serve the proposed development.

LAND USE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan no longer makes a specific land use recommendation for each and every parcel in Lexington-Fayette County, but *Chapter 1: Goals and Objectives* does recommend “supporting infill opportunities as a strategic component of growth,” and to promote “collaboration with healthcare entities to meet the needs of Lexington-Fayette County’s residents.” The applicant is requesting this rezoning in order to develop an assisted living facility or a licensed personal care facility on the subject property.

CASE REVIEW

The petitioner has requested a zone change from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone for a site slightly less than three net acres in size.

The subject property is a triangular shaped piece of property located at 1447 Antique Drive, immediately to the northeast of the Meadowthorpe Shopping Center. The vacant subject property has very little visibility from Leestown Road, although a parking lot in the center of the shopping center does "open up" to offer at least a view of the subject property. The property has two "wings" which provide 40 feet of lot frontage on both North Forbes Road and Burke Road, one of which provides off-street parking for an adjacent office building (on North Forbes).

To the southeast of this site is an area of mostly professional office uses, although a child care center is also located adjacent to the subject property. Beyond those uses to the east, and immediately adjacent to the subject property to the north are multi-family residential uses, consisting of apartments, four-plexes and also a few duplex units. All of these properties are located in a Neighborhood Business (B-1) zone, with one exception. Directly across Burke Drive is the Meadowthorpe Subdivision, which is zoned R-1C.

In 2008, a different applicant (Southern Industrial, LLC) requested a zone change at this location from a B-1 zone to B-4, in order to allow shops of special trade and accessory office uses for the subject property. The corollary development plan filed in conjunction with that zone change request proposed the construction of two new buildings, only a few feet off the north and east property lines. Very little traffic or noise was anticipated for the proposed "special trade" uses. The rezoning to B-4 was approved with conditional zoning restrictions to prohibit many of the uses with the most likelihood to cause an impact upon the neighborhood. The rezoning was approved despite the 2007 Comprehensive Plan's recommendation for a Retail Trade and Personal Services land use for the subject property. Still, the subject property has been zoned either B-1 or B-4 for more than three decades, but has not developed – probably mostly due to its poor visibility from Leestown Road.

This zone change has been filed by the applicant to meet the expected increase in the senior population of Lexington-Fayette County in the coming years, by developing an assisted living or licensed personal care facility on the subject property. The 2013 Comprehensive Plan (p. 17) reported that about 11% of Lexington-Fayette County's 2010 population was 65 years of age, or older.

The current applicant has cited that the current rezoning request is in agreement with two themes and a few Goals and Objectives of the 2013 Comprehensive Plan. Specifically, that Objective c: "Plan for safe, affordable, and accessible housing to meet the needs of older and/or disadvantaged residents." Promote the Plan's Goal #1 to "Expand housing choices" As part of Theme A of the Plan for "Growing successful neighborhoods." Likewise, Objective d of Goal #1 ("Support and showcase local assets to further the creation of a variety of jobs.") of the Plan's Theme C ("Creating jobs and prosperity"), states that we should "...enable infill and redevelopment that creates jobs where people live." Finally, under Theme D, "Improving a Desirable Community" Goal #2 (to "Provide for accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors.") states that our community should "collaborate with educational and healthcare entities to meet the needs of Lexington-Fayette County's residents and visitors." They believe their zone change to B-1 is in agreement with the Comprehensive Plan. Further, they opine that it is also the most appropriate for the property.

A B-1 zone would clearly be consistent with the majority of the zoning that exists in this location. The staff agrees with the applicant that the proposed use is one of the few that would be well suited to locate on the subject property, which has remained vacant for decades. The primary building proposed on the site is not dependent upon high visibility from Leestown Road, and is also compatible with both its residential and commercial neighbors. It will not require a tremendous amount of new impervious surface for new off-street parking, and extensive areas of open space are intended to compliment for the proposed use. These factors ensure that this use will both provide needed (medical) employment for this residential care facility, and that it will be a "good neighbor" to the residents and owners of property in Meadowthorpe.

The staff agrees that this use, and this zone change back to B-1, is in agreement with the 2013 Comprehensive Plan.

The Staff Recommends: Approval, for the following reasons:

1. The requested Neighborhood Business (B-1) zone for the subject property is in agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. The Goals and Objectives of the 2013 Plan recommend planning for safe, affordable, and accessible housing to meet the needs of older residents of Lexington-Fayette County (Theme A., Goal 1c). This development will accomplish that goal, by providing a specialized residence for seniors in need of

- assistance or a spectrum of care in order to live near an established neighborhood and one of the community's largest shopping areas.
- b. The Goals and Objectives encourage the use of our local assets to create a variety of jobs (Theme C, Goal 1d) and enable infill and redevelopment to create jobs where people reside. The applicant is proposing to develop a well-landscaped facility on a by-passed property to further this goal, in a manner that is sensitive to the character and nearby residential and commercial residents of the Meadowthorpe neighborhood.
 - c. The Plan's Goals and Objectives support the improvement of our desirable community by providing for healthcare facilities to meet the needs of the County's residents (Theme D, Goal 2b). The petitioner will provide such a residential care facility, perhaps including an assisted living component, for a portion of the Urban County that is and has been underserved by such facilities.
2. The proposed B-1 zone would be appropriate for the subject property, since it is more than 90% surrounded by properties with B-1 zoning.
 3. This recommendation is made subject to approval and certification of ZDP 2015-61: Meadowthorpe Community Business Center, Unit 1 (Amd.), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

WLS/JWE/TLW/BJR

8/4/2015

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