

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2013-1: KIRK AND CAROL SNYDER

DESCRIPTION

Zone Change: From a Professional Office (P-1) zone
To a Highway Service Business (B-3) zone

Acreage: 0.6138 net (0.9857 gross) acres

Location: 3270 Richmond Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	P-1	Veterinary Office and Clinic
To North	B-3	Vehicle Sales Establishment
To East	P-1 & B-1	Offices & Restaurants
To South	B-3	Restaurants
To West	B-3	Vehicle Sales Establishment & Vacant

URBAN SERVICES REPORT

Roads – The subject property is located near the southern corner of the Richmond Road (US 25/421) and Man o’ War Boulevard intersection. A major widening to Richmond Road, including improvements at the intersection of Richmond Road and Man o’ War Boulevard, were completed within the past decade. Those improvements included six lanes plus turn lanes for Richmond Road, and included improvements to an existing service road to the northeast of the subject property. The property’s access is via the existing service road.

Curb/Gutter/Sidewalks – Richmond Road and Man o’ War Boulevard have curb and gutter installed in the immediate area. Sidewalks are also present along Man o’ War Boulevard.

Storm Sewers – The subject property is located within the East Hickman watershed. Formerly, a small creek ran near the rear of the subject property. It has since been engineered, channelized and buried in a culvert to facilitate the development of the surrounding properties. This area is part of a drainage system that flows into the Jacobson Park reservoir. According to the FEMA Flood Insurance Rate Maps, there are no identified floodplains and no known flooding problems in this area. Stormwater detention and water quality are issues that must be addressed in accordance with the LFUCG Stormwater Manuals prior to commencing any redevelopment of the subject property in the future.

Sanitary Sewers – The subject property is located within the West Hickman sewershed and will be serviced by the sewage treatment facility in Jessamine County. Sanitary sewers are available in the immediate vicinity. There are no known sanitary sewer service problems associated with this portion of the Urban Service Area.

Refuse – The Urban County Government provides refuse collection to residences within this portion of the Urban Service Area on Fridays. Oftentimes commercial developments hire private refuse contractors for more frequent collection.

Police – The closest police station to the subject property is the East Sector Roll Call Center, located off Centre Parkway in the Gainesway area, about three miles to the southwest of the property.

Fire/Ambulance – Fire Station #21 is the nearest station to the subject property, as it is located on Mapleleaf Drive, outside of Man o’ War Boulevard, approximately 1¼ miles to the east.

Utilities – All utilities, including electric, gas, water, telephone, and cable service are available to serve the property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 9a) recommends Professional Services (PS) future land use for the subject property. The petitioner proposes to rezone the property to a B-3 zone, and to maintain the existing veterinary clinic and associated off-street parking on the site.

CASE REVIEW

The petitioner has requested a zone change from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone for less than one acre of property located at 3270 Richmond Road.

The subject property is located a short distance south of the intersection of Richmond Road and Man o’ War Boulevard. Its access is via the service road that parallels Richmond Road in the vicinity. The property is bounded on three sides by B-3 zoning, and by Neighborhood Business (B-1) and P-1 zoning across Richmond Road. A veterinary clinic was established on the subject property in the early 1980s, when this portion of the Urban Service Area was still somewhat rural in character.

The petitioner is proposing no physical changes to the existing veterinary clinic and office at this time, only the property's zoning category. The proposed change will allow the property to have the same B-3 zoning as the properties that surround it on three sides.

The subject property is recommended for a Professional Services (PS) land use by the 2007 Comprehensive Plan, which carries forward the land use recommendation from the 2001 Plan. The existing P-1 zoning is in agreement with the Plan's land use recommendation, and the proposed B-3 zone cannot be found to be in agreement with the 2007 Comprehensive Plan. Given that circumstance, the Planning Commission should consider whether there has been a significant physical, economic or social change in the immediate area since the Comprehensive Plan was adopted, or whether the existing zoning is inappropriate and the proposed zoning is appropriate.

There have been changes in the immediate area over the past decade, and a few since the 2007 Plan was adopted. First, the Estes Property to the south was rezoned to B-3 with conditional zoning restrictions in 2004, the Sand Lake Property to the north and northwest was rezoned in 2005 to B-3 without any restrictions, and the Gentry & Marcum Property to the south was rezoned in 2006 from B-1 to B-3 with conditional zoning restrictions. More recently, the conditional zoning restrictions were modified on the Estes Property in 2008. Since the Comprehensive Plan was adopted in 2007, two new restaurants and a vehicle sales establishment have been constructed in the immediate area, and the Richmond Road Traffic and Safety Ordinance was amended to significantly modify access to the surrounding lots. This has altered the character of the area from what was originally planned to be a residential area with offices along Richmond Road.

These recent past rezoning decisions and the subsequent development of the area do constitute major changes to this area of a physical and economic nature that were not anticipated when the 2007 Comprehensive Plan was adopted.

Additionally, a restricted B-3 zone is appropriate at this location because it will allow the property to develop for uses that are compatible in terms of use, intensity, and character with those on the adjoining properties. The veterinary clinic is a principal permitted use in the B-3 zone; thus, the property can continue to operate as a principal permitted use for the foreseeable future. The proposed B-3 zone should be restricted in a manner similar to other small lots with frontage along Richmond Road in the immediate area.

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

1. The requested Highway Service Business (B-3) zoning for the subject will allow the property to develop for uses that are compatible in terms of use, intensity, and character with those on the adjoining properties. The veterinary clinic is a principal permitted use in the B-3 zone; thus, the property can continue to operate as a principal permitted use for the foreseeable future.
2. Recent changes in zoning and to the Richmond Road Traffic and Safety Ordinance, as well as the subsequent development of the area, constitute major changes of a physical and economic nature that have altered the basic character of the area that were not anticipated by the 2007 Comprehensive Plan. These have increased the permitted intensity of land use in this area over that recommended by the Plan.
3. This recommendation is made subject to approval and certification of ZDP 2013-9: Michael Gentry Property prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall be restricted with the following prohibited uses:

PROHIBITED USES:

- a. Adult entertainment establishments, adult bookstores, and adult video stores.
- b. Drive-through windows accessory to restaurants.
- c. Cocktail lounges not associated with restaurants.
- d. Nightclubs.
- e. Billboards.
- f. Cellular telephone towers.
- g. Amusement parks and fairgrounds.
- h. Outdoor loud speakers or music.
- i. Hotels and motels.

These use restrictions are necessary and appropriate for the subject property to lessen the intensity of the uses due to the size of the property and to its lack of direct access onto Richmond Road.