

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-19-00002: TRUST EQUITY, LLC

DESCRIPTION

Zone Change: From an Agricultural Urban (A-U) zone
To an Expansion Area Residential-2 (EAR-2) zone

Acreeage: 8.48 net (8.94 gross) acres

Location: 2020 Russell Cave Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-U	Residential
To North	A-U & A-R	Residential & Agricultural
To East	R-1D	Single-Family Residential
To South	R-2	Single-Family Residential
To West	A-R & ED	Vacant

URBAN SERVICES REPORT

Roads – Russell Cave Road (KY 353) is a two-lane, urban, minor arterial roadway within the Urban Service Area, and continues north as a two-lane highway to the Fayette-Bourbon County line. The site is bordered to the west by Russell Cave Road, and Eden Court from the Foxborough Manor subdivision stubs into the site from the south. Interstates 75 and 64 traverse Fayette County just south of the subject property. Access to the subject property is proposed through the continuation of Eden Court, and the existing access to Russell Cave Road is proposed to be closed.

Curb/Gutter/Sidewalks – This portion of Russell Cave Road has been constructed without curbing, gutter or sidewalks, but does have emergency lanes on both sides of the roadway. Any new local streets within the proposed development are expected to have curb, gutter and sidewalks constructed as part of those improvements by the developer.

Storm Sewers – These properties are located within the Cane Run watershed, and the property lies just outside of the Royal Spring Wellhead Protection Area. Storm sewers and basins will be constructed by the developer, as necessary, in accordance with LFUCG Engineering Manuals to protect water quality. FEMA Digital Flood Insurance Rate Maps indicate that a Special Flood Hazard Area exists near the property to the north and east, although no detailed study has been completed for the property. An alluvial soils floodplain exists on the subject property, covering approximately 1.2 acres (14% of the site). Known flooding occurs within the Shandon Park subdivision to the east and on the Scott Property (Shandon Farm) to the north of the subject property. Any development of the property will not be allowed to exacerbate any known flooding.

Sanitary Sewers – Sanitary sewers serve the adjoining neighborhoods, although the subject property is not currently served. Connection to existing sanitary sewer line(s) would be the responsibility of the developer. The subject property is located within the Town Branch sewershed and would be served by that wastewater treatment facility. A pump station and a major trunk line are currently being constructed to serve this area, as well as correct past issues in the area. The project is anticipated to be completed by the end of 2019.

Refuse – The Urban County Government provides refuse collection on Thursdays to residences in this portion of the Urban Service Area.

Police – The subject property is located within Police Sector 1 and would be served by the West Sector Roll Call Center, located approximately 6 miles to the southwest on Old Frankfort Pike near New Circle Road.

Fire/Ambulance – The nearest fire station (No. 8) is located outside of New Circle Road on North Broadway, two miles to the south of this location.

Utilities – All utilities, including electric, gas, water, telephone, and cable are available in the immediate area. All utilities should be easily extended into the subject property.

COMPREHENSIVE PLAN AND PROPOSED USE

The Expansion Area Master Plan (EAMP), an adopted element of the 2013 Comprehensive Plan (Expansion Area 3), recommends Expansion Area Residential (EAR-2) land use for the subject property, defined as 3 to 6 dwelling units per gross acre. The petitioner proposes 23 attached single-family units and 30 detached single-family units or townhouses (a residential density of 5.92 units per gross acre) for the subject property, which is within the density range recommended by the EAMP.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural-Urban (A-U) zone to an Expansion Area Residential-2 (EAR-2) zone for approximately 8.5 acres located at 2020 Russell Cave Road.

The subject property is located within Expansion Area 3, as designated by the EAMP, on the east side of Russell Cave Road, just north of Interstate 75 & 64. The subject property has been used for residential and agricultural-related purposes, most recently as a plant nursery and landscaping business approved by the Board of Adjustment as a conditional use. The Scott Property (Shandon Farm), located to the north, has also been used for agricultural purposes. Northwest of the subject property is a three-acre residential property at 2060 Russell Cave Road. The Foxborough Manor and Shandon Park subdivisions bound the property to the south and east, respectively. The future Kingston Hall development, zoned for Economic Development (ED), borders the property to the west across Russell Cave Road. The Urban Service Area boundary line follows Faulkner Avenue to the north near this location.

The applicant proposes a future residential use of the subject property with a total of 53 dwelling units, for a density of 5.92 dwelling units per gross acre. Primary access to the proposed residential development will be through the adjacent Joyland neighborhood. A local street, Eden Court, is proposed to extend into the subject property from the south to serve the proposed development. The proposed local streets will stub into the Shandon Farm to allow future connections and development.

The subject property was added to the Urban Service Area in 1996 with the approval of the Expansion Area and adoption of the EAMP. In 2001, the EAMP became an adopted element of the Comprehensive Plan, and its future land use recommendations have been carried forward to subsequent Comprehensive Plans by reference. The subject property is recommended for Expansion Area Residential-2 (EAR-2) future land use, which allows a residential density of 3 to 6 dwelling units per gross acre, or up to 9 dwelling units per gross acre with density transfer rights (DTR). At this level of density, the Comprehensive Plan recommends between 26 and 53 dwelling units for the subject property. Based on the proposed 53 single-family residential units, the applicant is not proposing any type of density transfer in this instance.

The property has been the subject of a zone change request four times since it was included in the Expansion Area in 1996, all proposing EAR-2 zoning for the parcel. The Planning Commission initiated and recommended approval of a zone change for the entire 5,400 acres of the Expansion Area in 1996. At that time, the Urban County Council denied the zone change because of community concerns. Following the Council action, two zone change applications were filed in 2005 and 2006. These applications sought to rezone approximately 140 acres located at 2200 and 2020 Russell Cave Road. In 2005, the Planning Commission recommended approval of the request; however, the application was withdrawn prior to consideration by the Urban County Council. In 2006, the Planning Commission received a similar zone change request (filed in conjunction with a text amendment application to revise the Scenic Resource Area restrictions). The Planning Commission recommended disapproval of the 2006 request based on evidence presented at the public hearing regarding flooding, sinkholes, and potential density, given the opportunity for density transfers to the properties.

The most recent application was filed in 2007, and was only the subject property (2020 Russell Cave Road). This petition greatly reduced the size of the area seeking to be rezoned to an eight-acre parcel. During this hearing staff recommended approval of the zone change with conditional zoning restrictions. However, the Planning Commission deemed the rezoning inappropriate at the time due to the applicant's inadequate treatment of concerns related to environmentally sensitive areas, stormwater runoff, water quality impacts, and traffic. Additionally, the Planning Commission found the Agricultural Urban (A-U) zone to be appropriate to prevent inappropriate or premature development from occurring while not precluding future development in agreement with the Expansion Area Master Plan.

Since the 2007 application, there has been significant public investment into this portion of Russell Cave Road and the nearby developments. In 2012, large sanitary sewer trunk line and pump station project was initiated for the Cane Run area to help provide adequate service to the neighborhoods. That project is currently under construction and will be complete in 2019. Additionally, stormwater facilities were constructed in the area to deal with stormwater runoff and water quality in the Joyland neighborhood, surrounding the subject property. While these projects have managed many of the issues, additional projects may be developed in an effort to continue to provide a better quality of services to the area. Since these infrastructure improvements have been or are being constructed currently, it can be determined that the area is now ready for development.

With the availability of services to this area, the rezoning of the property is appropriate. The intent of the Agricultural Urban (A-U) zone is to manage the growth of the community to avoid premature or improper development until public facilities and services are adequate to serve urban uses. In this case, the infrastructure available to this property results in the Agricultural Urban (A-U) zoning being inappropriate and the rezoning of the property to an Expansion Area Residential-2 (EAR-2) zone to be appropriate at this time.

Additionally, the Expansion Area Master Plan (EAMP) recommends the EAR-2 future land use for the subject property. The future EAR-2 land use recommendation of the Plan indicates a density of between 26 and 53 dwelling units for the subject property. The proposed EAR-2 zone is in agreement with this recommendation of the EAMP, and the corollary development plan depicts a density consistent with the EAMP recommendations.

The EAMP's natural resource map series identified a treestand/woodland area on the subject property. Article 23A-2(v) of the Zoning Ordinance requires that development be designed to protect and preserve all mature trees to the maximum extent possible. Recommending tree preservation via conditional zoning restrictions along the property boundaries with established neighborhoods has been recommended since 1996. However, additional information should be provided to ensure the treestands are being adequately protected on the development plan.

The petitioner also opines that the zone change is consistent with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan because it supports maintaining the Urban Service Area boundary, while increasing the density of housing. The petitioner indicates that the rezoning of the site will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Goal #1) and supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). The proposed development will expand options for mixed-type housing (townhomes and detached single family), while also providing a neighborhood which is connected for pedestrians and will utilize various modes of transportation (Theme A, Goals #3.a & 3.b.). This proposal also maximizes development on vacant land within the Urban Service Area and promotes use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.a, 1.b, and 1.d). The applicant also indicates that the proposed development meet overlapping Goals associated with the 2013 Comprehensive Plan. The staff concurs with the applicant's justification, because the proposed development allows for the expansion of housing and housing choice within the Urban Service Area, while also matching the single family context of the surrounding development. Additionally, the development plan indicates three potential access points, which will help connect the neighborhood to future development and a future connection to Russell Cave Road. Any future connection will allow for greater connectivity of the neighborhood and will provided for better access for emergency services, protecting the health, safety and welfare of the community.

Conditional zoning restrictions were proposed by the staff in each of the previous zone change requests in order to minimize the impacts of new development on the existing residential units within the Shandon Park and Foxborough Manor subdivisions, as well as the existing residence at 2060 Russell Cave Road. The buffering setback and land use restrictions generally remain appropriate for the subject property at this time. To accommodate the variety of residential land use proposed by the applicant and the layout of the development, some changes are proposed.

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

1. The requested EAR-2 zoning is in agreement with the 2013 Comprehensive Plan, the adopted Goals and Objectives of the 2018 Comprehensive Plan, and the 1996 Expansion Area Master Plan, for the following reasons:
 - a. The Plan recommends Expansion Area Residential-2 (EAR-2) future land use for the subject property, which is proposed by the petitioner.
 - b. The future EAR-2 land use recommendation of the Plan would suggest a density of between 26 and 53 dwelling units for the subject property. The proposed EAR-2 zone, for 53 single-family dwelling units, is in agreement with this recommendation of the Plan.
 - c. The site will accommodate the demand for housing in Lexington responsibly, prioritizing a mixture of housing types (Theme A, Goal #1) and supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). The proposed development will include single family and townhouse dwelling units.
 - d. The proposed development will expand options for mixed-type housing, while also provide a neighborhood which is connected for pedestrians and will utilize various modes of transportation (Theme A, Goals #3.a & 3.b.). The proposed development allows for connectivity to existing neighborhoods, as well as stub streets to the adjoining parcels for future connectivity.

- e. This proposal maximizes development on vacant land within the Urban Service Area and promote use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.a, 1.b, and 1.d).
2. The existing Agricultural Urban (A-U) zone is inappropriate, and the proposed Expansion Area Residential-2 (EAR-2) zone is appropriate at this location for the following reason:
 - a. The intent for the Agricultural Urban (A-U) zone is to manage the growth of the community so to avoid premature or improper development until public facilities and services are adequate to serve urban uses. The availability of these services at this time in this area indicate the inappropriateness of the current zoning.
3. This recommendation is made subject to approval and certification of the applicable portion of PLN-MJDP-19-00005: James RB Maccoum, Tract 2 and a Portion of Tract 1, prior to being forwarded 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 property shall be subject to the following use and buffering restrictions via conditional zoning:
 - a. No principal or accessory structures shall be located within fifty (50) feet of any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions, and the property located at 2060 Russell Cave Road.
 - b. Within three hundred (300) feet of any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions, and the property located at 2060 Russell Cave Road, the subject property shall be limited to single-family detached or attached (townhouse) residential uses.
 - c. A twenty-five foot (25') buffer yard shall be provided immediately adjacent to any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions and the property located at 2060 Russell Cave Road. Existing trees with a three inch (3") DBH shall remain within the buffer, unless dead, dying or diseased. Existing trees should be supplemented to meet the following standards: The landscape buffer shall contain one tree every forty (40) feet of linear boundary from group A, B, or C of the Plant List as referenced by Article 18 of the Zoning Ordinance, and shall contain a fence, hedge, wall or earth mound (or combination thereof) a minimum of six (6) feet in height. Existing trees that are dead, dying or diseased may only be removed with written consent of the Urban Forester.

These conditional zoning restrictions are appropriate and necessary to minimizing the impacts of new development on the existing residential units within Shandon Park and Foxborough Manor subdivisions, and the existing residence at 2060 Russell Cave Road.

TLW/HBB/DW

2/5/2019

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