

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

**PLN-MAR-17-00028: ATCHISON HELLER CONSTRUCTION, LLC**

**DESCRIPTION**

<b>Zone Change:</b>	<b><u>REQUEST</u></b>		<b><u>ACREAGE</u></b>	
	<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>NET</u></b>	<b><u>GROSS</u></b>
	A-U	R-3	11.37	11.76
	R-1T	R-3	<u>0.13</u>	<u>0.25</u>
	TOTAL:		11.50	12.01

**Location:** 2311 Armstrong Mill Road and 3539 Kenesaw Drive

**EXISTING ZONING & LAND USE**

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-U & R-1T	Single Family Residence & Agriculture
To North	R-1E	Single Family Residential
To East	R-1T & R-3	Duplexes & Multi-Family Residential
To South	R-4	Single Family Residential
To West	A-U & R-1E	Church & Single Family Residential

**URBAN SERVICES REPORT**

Roads – Armstrong Mill Road is designated a collector street east of Man o’ War Boulevard. Its current traffic volume is less than 6,000 daily vehicle trips in this portion of the Urban Service Area. Kenesaw Drive is also a collector street that runs parallel to Man o’ War Boulevard between Buckhorn Drive (to the north) and Tates Creek Road (KY 1974) (to the south). The intersection of Armstrong Mill Road and Kenesaw Drive is controlled by a four-way stop. The subject property is located in the northern corner of the intersection, and proposes accessing Kenesaw Drive for its future development, and prohibiting vehicles from using the existing driveway onto Armstrong Mill Road. Beringer Drive, a local street, also stubs into the subject property from the west, and there is a right-of-way reservation in place for its extension on the subject and the adjoining church property. Any local streets proposed on the subject property must be constructed by the developer in accordance with the Engineering Manuals.

Curb/Gutter/Sidewalks – Along Armstrong Mill Road and Kenesaw Drive, the curbs and gutters have been constructed with the roadway, but sidewalks were not built along the subject property’s frontage. Sidewalks do exist along Kenesaw Drive north of the subject property. Beringer Drive has been constructed with curbs, gutters and sidewalks, and its extension is expected to continue such improvements onto the subject site.

Storm Sewers – The subject property is located within the East Hickman watershed. The Armstrong Mill tributary of East Hickman Creek has its headwaters on the subject property; however, the FEMA special flood hazard area (100-year floodplain) associated with the tributary is only located on a very small portion of the subject property near the intersection of Kenesaw Drive and Armstrong Mill Road. Although not a designated FEMA floodplain, the headwaters of the tributary have recently been studied, as required by the Engineering Stormwater Manual. All storm sewer and/or detention facilities, if any, must be constructed in compliance with the Stormwater Manual.

Sanitary Sewers – The subject property is in the East Hickman sewershed, which is served by the West Hickman Wastewater Treatment Plant, located in northern Jessamine County. Several sanitary sewer lines cross the property, to serve the adjoining neighborhoods. According to the Capacity Assurance Program, capacity is currently available to serve the proposed residential development.

Refuse – The Urban County Government serves this portion of the Urban Service Area with collection on Fridays.

Police – The nearest police station is located approximately 1½ miles to the northwest of the subject property, at the East Sector Roll Call Center (Police Sector 3) on Centre Parkway.

Fire/Ambulance – The nearest fire station to the subject property is Station #16, located approximately ½ mile to the northwest on Man o' War Boulevard, directly across from Bold Bidder Drive.

Utilities – Natural gas, telephone service, electric, water, and cable television are all available to the subject property, and can be extended to serve the proposed 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.

In addition, the Comprehensive Plan has established six themes and goals and objectives to support each of the themes, which include: growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D), maintaining a balance between planning for urban uses and safeguarding rural land (Theme E) and implementing the plan for Lexington-Fayette County (Theme F).

The petitioner proposes a Planned Neighborhood Residential (R-3) zone for the subject property in order to develop a combination of detached single-family and townhouse residential dwelling units. The petitioner proposes 39 dwelling units for the site, for an average density of 3.39 units per net acre.

### **CASE REVIEW**

The petitioner has requested a zone change from an agricultural Urban (A-U) zone and a Townhouse Residential (R-1T) zone to a Planned Neighborhood Residential (R-3) zone for 11.5 net acres of property.

The subject property is located on the north side of Armstrong Mill Road, at its intersection with Kenesaw Drive. Both Armstrong Mill Road and Kenesaw Drive are collector streets in this portion of the Urban Service Area. The subject property currently accesses Armstrong Road via a lengthy driveway, but proposes a future entrance to their development from Kenesaw Drive, about 300 feet from the intersection of Kenesaw Drive and Armstrong Mill Road. The subject property is a small agricultural tract that is currently occupied by a single-family residence and a barn.

The Armstrong Mill corridor, between of Man o' War Boulevard and the Urban Service Area boundary, is characterized by a mixture of residential zoning categories (R-1E, R-3, and R-4). The type of residential development is also varied and includes single-family residential (Hartland, The Vineyard, and Summerhill subdivisions) and an apartment complex along Man o' War Boulevard. A number of parcels also remain in an A-U zone, which accommodates navigational equipment for the airport, a church, a utility sub-station and the subject property. A variety of residential zones also exist along Kenesaw Drive (including R-1E, R-1T, and R-3) for single-family, duplexes and an apartment residential development.

The subject property was proposed for the same zone and very similar development earlier this year by the petitioner. The Planning Commission recommended disapproval of the request in April 2017, and the application was subsequently withdrawn prior to the Urban County Council's consideration. In June 2017, the petitioner sought permission from the Planning Commission to file a new application for the subject property for reconsideration prior to the Commission's Bylaws restriction (Section 8.8: Rehearing of Previously Disapproved Zone Change Amendment). The Commission approved the request, which led to the current application being submitted in early July 2017. The petitioner now proposes development of

a mix of single-family (31 units) and townhouse residential dwelling units (8 units), for an average density of 3.39 units per net acre.

Similar to their previous request, the petitioner opines that the requested zone change is in agreement with the 2013 Comprehensive Plan, specifically the goals and objectives of the Plan. They cite the following goals and objectives as relevant and supported by the proposed mixed type housing development: expand housing choices (Theme A, Goal #1); support infill and redevelopment as a strategic component of growth (Theme A, Goal #2); provide well-designed neighborhoods and communities, including neighborhoods that are connected for pedestrian and various modes of transportation (Theme A, Goal #3); and uphold the Urban Service Area concept through absorption of vacant or underutilized land (Theme E, Goal #1).

The Planning Commission should also consider the following goals and objectives that pertain to the existing drainageway/creek on the site and the extension of Beringer Drive, the existing stub street: identify and protect natural resources before development occurs (Theme B, Goal #3a.), incorporate green infrastructure into plans and policies (Theme B, Goal #3b.), and work to achieve an effective and comprehensive transportation system (Theme D, Goal #1). The petitioner also contends that the proposed R-3 zone is appropriate and the existing A-U zone is not appropriate.

The staff is generally favorable about the requested zone change because (1) the residential use and varied housing types are supported by the Comprehensive Plan, and (2) the residential zone is considered compatible in this location. In addition, the petitioner now proposes the appropriate termination of Beringer Drive, which is consistent with past Planning Commission and Board of Adjustment decisions. At the time the subject property and the adjoining church parcel (2261 Armstrong Mill Road) were subdivided, a right-of-way reservation was established, which should be followed in order to establish appropriate circulation for the public and city services.

It is the staff's opinion that Beringer Drive should be extended onto the subject property, and connect through to Kenesaw Drive via another street without restrictions (gates). Also, the petitioner's engineer has completed a flood study in June 2017, which is documented on the corollary development plan, along with the 50-foot vegetative buffer required by the Stormwater Manual. The corollary development plan now can be accurately evaluated to determine compliance with environmental regulations and best practices.

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
  - a. The Comprehensive Plan recommends *Growing Successful Neighborhoods* (Theme A, and Chapter 3), which encourages expanding housing choices that addresses the market needs for all of Lexington-Fayette County's residents (Goal #1b.); encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Goal #2a); and providing well-designed neighborhoods, including neighborhoods that are connected for pedestrian and various modes of transportation (Goal #3 and #3b.). The petitioner has proposed a mixture of single-family and townhouse residential dwelling unit types to meet the needs of the community at a density of 3.39 units per net acre. The development will need to be incorporated into the adjoining neighborhoods to the west and east of the subject property to ensure a well-designed neighborhood is provided at this location, and access easements for single-family residences should be minimized.
  - b. The 2013 Plan recommends *Protecting the Environment* (Theme B and Chapter 4) by encouraging sustainable use of natural resources (Goal #2b.) and management of green infrastructure, which includes the protection of environmentally sensitive areas, before development occurs. The petitioner proposes, through the corollary development plan to maintain the drainageway, which has now been identified as a floodplain, and tree stand along

the tributary of East Hickman Creek. The petitioner is also protecting numerous significant trees on the site.

- c. The 2013 Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (Goal #1). The petitioner will need to provide an appropriate termination of Beringer Drive, an existing stub street, or connect Beringer Drive through the subject property to Kenesaw Drive.
  - d. The 2013 Plan recommends compact and contiguous development within the Urban Service Area through absorption of vacant and underutilized land (Theme E, Goal #1), which is being met by the petitioner's proposal, and the plan is compatible with the existing residential uses surrounding the subject property.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17-00077: Harper Woods, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

TLW/WLS

7/28/2017

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