

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2014-21: WMM PROPERTIES, LLC

DESCRIPTION

Zone Change: From a Planned Neighborhood Residential (R-3) zone
To a Neighborhood Business (B-1) zone

Acreage: 0.43 net (0.49 gross) acre

Location: 435 Redding Road (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-3	Off-street Parking
To North	R-3 & R-5	Multi-Family Residential
To East	R-5	Multi-Family Residential
To South	B-1	Convenience Store & Shopping Center
To West	B-1 & R-3	Shopping Center & Multi-Family Residential

URBAN SERVICES REPORT

Roads – Tates Creek Road (US 1974) is a four-lane urban, major arterial highway, a short distance from the subject property to the east. Redding Road is a major collector roadway that borders the subject property to the west. Tates Creek Road and Redding Road intersect a short distance to the east of the property, and that intersection is controlled with a traffic signal. The applicant is proposing access to only Redding Road at two existing access points along that collector. Walden Drive, a local street that functions as a service road in this immediate area, terminates at Redding Road directly across from one of the existing access points into the commercial development on the subject property.

Curb/Gutter/Sidewalks – Curb, gutters and sidewalks exist along both Redding Road and Walden Drive. Tates Creek Road has curbs along its edges, but very few sidewalks along its frontage. As a state highway, these improvements would be subject to the approval of the Kentucky Transportation Cabinet.

Storm Sewers – The subject property is located within the West Hickman watershed, and the West Hickman Creek crosses Tates Creek Road to the southwest from this location. Known flooding occurs all along this creek within the community; however, the proposed redevelopment of the subject property is not expected to add any impervious surface.

Sanitary Sewers – The subject property is located within the West Hickman watershed, and would be serviced by the West Hickman Wastewater Treatment Facility in northern Jessamine County. Since a restaurant formerly occupied this location, and a smaller restaurant with a drive-through window is now proposed, not much (if any) additional flow is expected to the sanitary sewer system. There are no known sanitary sewer service problems or overflows associated with this immediate area.

Refuse – The Urban County Government provides refuse collection to this portion of the Urban Service Area on Mondays. Commercial developments often contract for more frequent service.

Police – The property is located within Police Sector 3 and is served by the East Sector Roll Call Center. This police station is located on Centre Parkway in the Gainesway neighborhood, approximately one mile to the northeast of the subject property.

Fire/Ambulance – The nearest fire station (# 22) is located slightly more than one mile to the southwest of the subject property along Clearwater Way, within Veterans Park.

Utilities – All utilities, including electric, gas, water, telephone, and cable service are available in the immediate area and should be able to serve the subject property for redevelopment.

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 petitioner proposes a Neighborhood Business (B-1) zone to redevelop a sit-down restaurant into a fast food restaurant with an accessory drive-through window and associated off-street parking. The subject property is a portion of a larger tract that is already located within a B-1 zone.

CASE REVIEW

The petitioner has requested a zone change from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone for 0.43 acre of property at 435 Redding Road.

The property is located on the north side of Redding Road, directly across from Walden Drive, and a short distance to the west from the intersection of Tates Creek Road and Redding Road. The portion of the tract that is proposed for rezoning is occupied by a stormwater detention basin (northwest corner along Redding Road), and the parking lot behind the main shopping center building (along the northern boundary and to the rear of the tract). The area is characterized by high density residential development to the west and southwest (R-3 zoning), an extended-stay hotel to the immediate north (R-5 zoning), and neighborhood commercial uses to the east and southeast (e.g., a gas station, pharmacy, banks, and restaurants).

Most of the subject property, other than the rear parking lot and detention basin, is currently zoned B-1. The petitioner proposes rezoning in order to redevelop a portion of the property from a sit-down restaurant into a fast food restaurant with an accessory drive-through window and associated off-street parking. A portion of the existing building will be removed in order to accommodate the freestanding restaurant. The proposed rezoning will allow the drive-through associated with the restaurant to extend into the existing parking lot at the rear of the property, and will bring the entire property into the one zoning category.

A majority of the property was rezoned to the B-1 zone about 32 years ago, and the residentially zoned portion of the property has been used to support the business uses for stormwater control and off-street parking for about 25 years. Rezoning these two small areas that are already fully incorporated into the development would eliminate the split-zoning of the property, and allow for a more efficient use of land inside the Urban Service Area. The current zoning, and approved conditional use for a parking lot, cannot accommodate the proposed drive-through lane and menu board associated with the proposed restaurant. Only a rezoning would permit these types of facilities.

The petitioner contends that their request is consistent with many of the goals and objectives of the 2013 Comprehensive Plan, and is an appropriate zone change for this parcel and the general vicinity. The staff agrees with this justification. The 2013 Comprehensive Plan's Goals and Objectives are supportive of sustainable small neighborhood centers, which can provide for a better quality of life within the immediate area and reduce travel demands (Theme A, Goals 2.a. and 3.b.). A slight expansion of the existing zoning on the parcel will provide for a more efficient use of land, while not expanding the overall business use in the immediate area. This small, neighborhood center will continue to serve the needs of the nearby neighborhoods, in conjunction with surrounding commercial development.

Shifting the zoning boundary from the middle of the lot to the rear property line approximately 40 to 80 feet will not impact the adjoining land use, which is the rear parking area for an extended-stay hotel, also a commercial use. Lastly, residential use of either of the small portions of the lot would be nearly impossible, if not completely inappropriate. The small piece along Redding Road could not be repurposed for residential use because it is the required stormwater detention area for the property. The area behind the existing building, which is very narrow, is utilized as a service area, including numerous dumpsters, which makes construction of any residential use not viable or desirable.

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

1. The requested Neighborhood Business (B-1) zone for a portion of property located at 435 Redding Road is appropriate, and the existing Planned Neighborhood Residential (R-3) zone is inappropriate for the following reasons:
 - a. The 2013 Goals and Objectives of the Comprehensive Plan are supportive of sustainable small neighborhood centers, which can provide for a better quality of life within the immediate area and reduce travel demands (Theme A., Goals 2.a. and 3.b.). This property is such a center.
 - b. The residentially-zoned portion of the property is already fully incorporated into the development, and is supporting the business use on the tract as a stormwater detention basin and accessory parking lot. Additionally, there is currently no landscape buffer or other separation between the business and residential zoning.
 - c. The requested B-1 zone will permit redevelopment of the property for a freestanding fast food restaurant and accessory drive-through facility. The current residential zoning, although approved for a conditional use for accessory parking, cannot accommodate the drive-through facility anticipated by the petitioner.
 - d. Shifting the B-1 zone line to the north approximately 40 to 80 feet will not impact the adjoining extended-stay hotel, or any other nearby residential uses.
 - e. The existing residential zoning is not large enough to support any type of residential use considering the geographical features of the property. That area acts as the service area for the adjoining businesses, is very narrow, and is already encumbered by stormwater facilities to support the commercial use of the property. These factors make construction of any residential use not viable or desirable.
2. This recommendation is made subject to approval and certification of ZDP 2014-96: Watts Farm – Tract 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.