

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2015-23: KENTUCKY HILL PROPERTIES, LLC

DESCRIPTION

Zone Change: From a Light Industrial (I-1) zone
To a Highway Service Business (B-3) zone

Acreage: 7.50 net (10.25 gross) acres

Location: 1803 Georgetown Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	I-1	Vacant
To North	I-1	Light Industrial
To East	R-1E	Single-Family Residential
To South	R-3	Single-Family Residential
To West	I-1	Light Industrial

URBAN SERVICES REPORT

Roads – Georgetown Road (US 25) is a five-lane highway that currently has a dedicated center (left) turning lane in the vicinity of the subject property. Sandersville Road is a major collector street that currently connects Greendale Road to Georgetown Road. Portions of this collector street have also been built within the Masterson Station subdivision, and eventually the roadway is planned to continue to the northwest, toward Spurr Road. Atoma Drive is a local street that serves the subject property as well as other industrial users. Roadway improvements may be required along the Sandersville Road property frontage, and subject to the concurrence of the Kentucky Transportation Cabinet. The petitioner is proposing two access points along Georgetown Road, as well as a new access (each) to Sandersville Road and Atoma Drive in order to serve vehicular traffic to the subject property.

Curb/Gutter/Sidewalks – Curb, gutter and sidewalks have not been constructed along Georgetown Road or Sandersville Road, although such facilities do exist along Atoma Drive. Curb, gutter and sidewalk improvements may be required if roadway improvements occur along Sandersville Road, again subject to KTC approval. Such improvements along Georgetown Road are not typical since the state made roadway widening improvements a few years ago along this portion of the corridor.

Storm Sewers – No storm sewers currently exist on the site, but will be necessary to address stormwater drainage on the subject property. The property is split between two watersheds--the Cane Run Creek watershed to the north and east, and the Town Branch watershed to the south and west sides of the property. No existing FEMA Special Flood Hazard Area (100-year floodplain) exists on the property, but the site is partially located within the Royal Spring Aquifer. This Aquifer is protected because it supplies a portion of the City of Georgetown's water supply. Water quality treatment of any new storm water basins is an issue for this site for that reason.

Sanitary Sewers – Sanitary sewers will serve all new development on this property and in this portion of the Urban Service Area. The property will be served by the Town Branch Wastewater Treatment Facility, approximately 2½ miles to the southwest of the property, between Old Frankfort Pike and Leestown Road. The Town Branch Wastewater Treatment bank does have existing capacity available, according to the Capacity Assurance Program.

Refuse – Collection to individual properties is provided by the Urban County Government on Thursdays in this portion of the Urban Service Area. Private haulers often provide additional service to commercial developments, as well.

Police – The nearest police station is the West Roll Call Center facility, located on Old Frankfort Pike inside of New Circle Road, approximately 2¼ miles to the southwest.

Fire/Ambulance – Fire Station #10 is located one mile to the southeast of the property, along Finney Drive near the Georgetown Road and New Circle Road interchange.

Utilities – Natural gas, telephone service, electric, water, streetlights, and cable television are all available to serve this area, and can be extended into the subject site as it develops.

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 Comprehensive Plan identifies the need to protect and provide readily available economic development land to meet the need for jobs (Theme C: Creating Jobs and Prosperity), as well as encouraging development in a compact and contiguous manner (Theme E: Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land).

The petitioner proposes a Highway Service Business (B-3) zone in order to develop approximately 46,500 square feet of retail and restaurant space, and associated off-street parking.

CASE REVIEW

The petitioner has requested a zone change from a Light Industrial (I-1) zone to a Highway Services Business (B-3) zone for a 7.5-acre site.

The subject property is located in the northwest corner of the signalized Georgetown Road and Sandersville Road intersection. The property, which is currently vacant, is also bordered by Atoma Drive to the west.

The area is characterized by industrial land use along the west side of Georgetown Road (with the exception of the Konner Woods neighborhood and Imani Baptist Church), and several residential neighborhoods along the east side of the corridor. Such neighborhoods include Coldstream Station, Oakwood and Highlands. The significant portion of the land between Georgetown Road and the CSX railroad line (to the west) and between New Circle Road and Spurr Road is prime "jobs land" that is either developed or is in the process of being developed. At the intersection of Georgetown Road and Citation Boulevard, to the north of this location, two large vacant commercial properties are available for development. Both have been zoned (B-6P and B-3) since 1997. Extensive areas of commercial zoning exist near the New Circle Road and Georgetown Road interchange.

This property was the subject of a zone change in 1998 from the Agricultural Urban (A-U) zone to the Light Industrial (I-1) zone. It was approved with conditional zoning restrictions prohibiting numerous uses because of its location across Georgetown Road from existing and planned single-family residential uses. A portion of the property lies within the Royal Spring Aquifer recharge area (for the City of Georgetown's water supply), and other I-1 zoned property within the immediate area has been similarly restricted.

The 2013 Comprehensive Plan no longer focuses on specific, map-based land use recommendations, but utilizes a policy-based approach which provides considerably more flexibility. From 1976 – 2007, the previous comprehensive plans have recommended light industrial future land use for the subject property, which is clearly reflective of the available infrastructure and compatibility with the surrounding development and character.

The 2013 Comprehensive Plan suggests that more "jobs land" is needed, meaning that, additional land that will permit employment opportunities should be seriously considered by the Planning Commission and the Council (Theme C: Creating Jobs and Prosperity). According to the Comprehensive Plan, since the 1990s, the inventory of jobs land has been depleted by over 500 acres (page 57). Included in that total are several tracts of land that were rezoned along Georgetown Road, such as the land immediately south of the subject property where the Konner Woods neighborhood and Imani Baptist Church area now located.

The 2013 Comprehensive Plan also encourages compact and contiguous development, as guided by market demand, to accommodate future growth needs (Theme E, Goal #1b.). The petitioner contends that the market for this 7.5-acre site, after 17 years of vacancy, is pointing in a new direction. The Goals and

Objectives and policy statements of the Plan also encourage the consideration of how proposals relate to existing development in the immediate vicinity, and focus on protecting neighborhoods and residential areas from incompatible land uses. Based on this information, the staff cannot conclude that the proposed zone change is in agreement with the Comprehensive Plan.

This zone change will remove "shovel-ready" land from the existing inventory in order to provide neighborhood and/or highway-oriented commercial development. The petitioner contends that the Georgetown Road corridor, both the industrial users and the residential neighborhoods, would benefit from having services and commercial businesses in closer proximity. Their corollary development plan depicts numerous small businesses on individual lots (such as a pharmacy, restaurants, and retail shops), all lining Georgetown Road. For this primary reason, they argue that the B-3 zone is appropriate at this location. However, the petitioner does not provide any evidence as to why the 7.5-acre site is inappropriate for light industrial zoning and have therefore failed to meet the KRS 100 requirement for a zone change finding in this regard.

While the nearby neighborhoods and industrial employees could benefit from neighborhood commercial uses, such uses are most appropriately located at the intersection of Georgetown Road and Citation Boulevard, a short distance north of the subject property. These properties are already zoned and are ready for such development. In addition, the petitioner has requested one of the most intense zoning categories, while other less intense categories could accommodate the proposed uses. This causes the staff to wonder about what changes might be proposed to the final development plan, if the zoning were approved. Lastly, while B-3 zoning does exist within the corridor, it is generally located near only one (relatively small) residential neighborhood. In this case, B-3 zoning is proposed very near three large, established neighborhoods that could be significantly impacted. For these reasons, the staff cannot support the requested rezoning.

The petitioner has submitted a Traffic Impact Study, on which the Transportation Planning/Metropolitan Planning Organization (MPO) will provide a separate report to the Planning Commission. This report was not filed at the time of the zone change, as required, but is now being reviewed.

The Staff Recommends: Disapproval, for the following reasons:

1. The requested Highway Service Business (B-3) zone is not in agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. Theme C: "Creating Jobs and Prosperity" identifies the need to protect and provide readily available economic development land to meet the need for jobs. The B-3 zone is not considered an appropriate zone for job creation.
 - b. Goal #1b. of Theme E encourages compact and contiguous development as guided by market demand to accommodate future growth needs. The west side of Georgetown Road corridor is primarily industrial in nature, and such markets typically develop at a slower pace. A significant portion of the land between Georgetown Road and the CSX railroad line (to the west), and between New Circle Road and Spurr Road, is prime "jobs land" that is either developed or is in the process of being developed; thus, demand does exist for industrial land use in the immediate area.
 - c. The Goals and Objectives and policy statements of the Plan encourage the consideration of how proposals relate to existing development in the immediate vicinity, and focus on protecting neighborhoods and residential areas from incompatible land uses. The proposed B-3 zone would introduce incompatible land uses to this area, while two larger tracts are already available for neighborhood-oriented business at the intersection of Georgetown Road and Citation Boulevard.
2. The existing restricted Light Industrial (I-1) zone remains appropriate at this location because it is compatible with the adjoining land uses. The subject property has been recommended for Light Industrial land use for four decades and, in addition, the I-1 zone is able to fulfill the goal of increasing opportunities for employment locations within the urban county.
3. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would support B-3 zoning for the subject property.

TLW/BJR/WLS

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