

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2014-22: RML CONSTRUCTION, LLP

DESCRIPTION

Zone Change:	<u>REQUEST</u>		<u>ACREAGE</u>	
	<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
	R-1D	R-4	0.33	0.50
	R-1D	B-1	0.02	0.23
	TOTAL		0.35	0.73

Location: 2985 Liberty Road (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-1D	Vacant
To North	R-3	Townhouses
To East	B-1 & R-4	Vacant
To South	B-1	Pharmacy
To West	R-1D	Vacant

URBAN SERVICES REPORT

Roads – Liberty Road (KY 1927) was significantly improved in 2008, including re-alignment of the roadway, widening and intersection improvements with Old Todds Road (formerly Todds Road) near Man o’ War Boulevard. Liberty Road is a minor arterial roadway that has a signalized intersection at Man O’ War Boulevard. The re-configured intersection of Liberty Road and Old Todds Road, just north of Man o’ War Boulevard, has improved traffic flow and roadway capacity in this portion of the Urban Service Area.

Curb/Gutter/Sidewalks – Within the past decade, the re-alignment and widening of Liberty Road allowed for improvements, including construction of curb, gutter and sidewalks on both sides of the roadway. However, only curbs currently exist along the Bryant Road right-of-way for the entrance to the adjacent shopping center, Brighton Place Shoppes, and the property. Sidewalks along this right-of-way were approved by the Planning Commission with the previous development plan for mixed-use development.

Storm Sewers – The subject property is located in the upper reaches of the East Hickman watershed. There is no FEMA special flood hazard area designated for the property, and there are no known flooding problems within the immediate area. There is a drainage area a short distance to the east of this location associated with existing development in the area. The developer proposes utilizing the drainage area and detention basin on the adjacent apartment site to accommodate stormwater from the property. The developer will be required to document compliance with the Division of Engineering Stormwater Manuals prior to any construction on the subject property.

Sanitary Sewers – The subject property is located within the East Hickman sewershed, which is served by the West Hickman Wastewater Treatment Plant in northern Jessamine County. No sanitary sewers are located on the subject property, but connections are planned through the remainder of the property to the northeast. The Capacity Assurance Program (CAP) currently shows a positive balance of available sanitary sewer capacity in the East Hickman PS bank.

Refuse – The Urban County Government serves this portion of the Urban Service Area with collection on Tuesdays. Refuse collection may need to be supplemented by a private service provider to accommodate the specific needs of a mixed-use development, specifically the business occupants. The adjacent apartments currently utilize a central compactor, which may provide additional service to the proposed expansion of the residential apartment units.

Police – The subject property is located within Police Sector 3 (East Sector), although the nearest police station is located approximately 4 miles northwest of the subject property, at the Central Sector Roll Call Center near Eastland Shopping Center.

Fire/Ambulance – The nearest fire station to the property is Station #21, located approximately ½ mile southwest of the subject property at the intersection of Mapleleaf Drive and Dabney Drive, across Man o' War Boulevard.

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

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 rezoning the portion of the property that was recently purchased and consolidated in September 2014. The petitioner proposes a High Density Apartment (R-4) zone for a majority of the subject property (0.33 acres) to allow for construction of a 12-unit apartment building, which is planned to be incorporated into the nearby "Brighton 3050" (formerly "The Summit") apartment complex. The petitioner also proposes a Neighborhood Business (B-1) zone for the remainder of the property (0.02 acres) to allow for the parking lot for an approved mixed-use building to continue. Overall, the site is planned to now have 52 dwelling units with the addition of the small triangle-shaped parcel of land.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone and a Neighborhood Business (B-1) zone for about one-third of an acre of property located on Liberty Road, about 100 feet from the intersection of Old Todds Road and Liberty Road.

The subject property fronts on Liberty Road for over 300', and was formerly a portion of the 2891 Cadentown Road, which was severed by the re-alignment project. The property is proposed to be incorporated into a recently approved mixed-use expansion of an adjoining apartment complex development.

In September 2014, the petitioner purchased the subject property in order to slightly expand the development previously approved by the Planning Commission at Liberty Road and Old Todds Road, at the entrance to the Brighton Place Shoppes. The inclusion of this triangle-shaped parcel of land will enable the petitioner to add 12 dwelling units and additional off-street parking to their proposal for this area.

The immediate area is characterized by a mixture of commercial uses, including a convenience store/gas station, automobile service station, car wash, pharmacy, restaurants, professional services, and retail sales establishments (Brighton Place Shoppes and Todds Center). This combination of neighborhood business and office uses has frontage along Man o' War Boulevard; Liberty Road, south of the subject property. To the north and west of the subject property, the area is predominantly residential of varying densities and includes the local Cadentown Historic District (H-1 Overlay Zone).

This area was formerly a rural crossroads for many years, with Bryant Road, Todds Road, and Liberty Road all entering the area. When Man o' War Boulevard was constructed, the intersection remained, but its use diminished. In 2008, Liberty Road was widened and realigned so that it connected directly to Man o' War Boulevard and that change bisected the parcel, creating Liberty Road frontage for the subject property. The remainder of 2981 Cadentown Road, adjacent to the CVS Pharmacy, is not a part of the requested zone change. The re-alignment of Liberty Road has improved the traffic patterns in this portion of the Urban Service Area. Further, the more recent signalization of the Old Todds Road and Liberty Road intersection has reduced some traffic conflicts that existed when the new intersection was first opened.

The petitioner requests a rezoning to R-4 in order to further expand the Brighton 3050 apartment complex. The petitioner proposes adding a 12-unit building, adjacent to the recently proposed 24-unit building. In addition, a very small rezoning to the B-1 zone is requested in order to incorporate a sliver of land that will be utilized for parking. Dimensional variances are also being requested with the zone change application.

The petitioner contends that the existing R-1D zoning is inappropriate, and the proposed combination of R-4 and B-1 zoning is appropriate for the subject property. The subject property fronts on Liberty Road and adjoins both planned and built higher density residential development to the north and east. The property is also adjacent to the commercial development to the south and west. Although single family residential development is possible at this location, the surrounding uses tend to suggest that a more intense use of the property would be appropriate. and more in keeping with the adopted Comprehensive Plan. The Plan recommends compatible infill and redevelopment of vacant and underutilized sites to uphold the Urban Service Area concept, and to safeguard rural. In addition, access for development at this location could be problematic due to its close proximity to the intersection of Liberty Road and Old Todds Road; thus, incorporation into the adjacent mixed-use development is the most appropriate and efficient use of the subject property.

The proposed rezoning is also consistent with the recently approved zone change for the adjacent property in that the petitioner's proposal is generally in keeping with this development pattern of the immediate area, as they are suggesting that the neighborhood business zone extend to generally the same depth from Man o' War Boulevard as for the CVS Pharmacy located directly across Liberty Road.

The staff finds that the proposed zone change is appropriate for the subject property, is in keeping with the spirit of the 2013 Comprehensive Plan (for compatible infill), and is in keeping with the character of the immediate area.

The Staff Recommends: Approval, for the following reasons:

1. The requested High Density Apartment (R-4) zone and Neighborhood Business (B-1) zone are appropriate and the existing Single Family Residential (R-1D) zone is inappropriate, for the following reasons:
 - a. Single family residential development is possible at this location, although the surrounding uses suggest that a more intense use of the property is more appropriate. The more appropriate and efficient use of the property is to incorporate it into the adjacent mixed-use development.
 - b. The proposed rezoning of the subject property will allow uses in keeping with the existing character of the area. The subject property fronts on Liberty Road and adjoins both planned and built higher density residential development to the north and east. The property is also adjacent to the commercial development to the south and west. This portion of the Urban Service Area has developed with a combination of neighborhood business and office uses fronting along Man o' War Boulevard, with residential uses located to the rear of the business uses or along Liberty Road.
 - c. The petitioner's proposed rezoning is generally in keeping with the established development pattern of the immediate area, because the planned neighborhood business zoning will extend to generally the same boundary as that for the CVS Pharmacy located directly across Liberty Road.
2. This recommendation is made subject to the approval and certification of ZDP 2014-95: Cadentown Subdivision, Lot 10 (Brighton 3050) (Amd.), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.