

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARC 2014-5: MILK AND HONEY DAYCARE/PRESCHOOL

DESCRIPTION

Zone Change: From an Agricultural Urban (A-U) zone
To a Planned Neighborhood Residential (R-3) zone

Acreeage: 5.48 Net (5.84 Gross) Acres

Location: 2700 Old Todds Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-U	Church and Day Care Center
To North	R-1T	Single-Family Residential
To East	R-3	Townhouses
To South	R-1C	Single Family Residential and Townhouses
To West	R-4	Single Family Residential and Church

URBAN SERVICES REPORT

Roads – Old Todds Road is a collector street that connects Liberty Road (KY 1927), near Man o’ War Boulevard, to Richmond Road (US 25/US 421), near New Circle Road (KY 4). This portion of Old Todds Road has a two-lane rural cross section. The subject property is located on the south side of Old Todds Road, between Palumbo Drive and North Mt. Tabor Road. The signalized intersection of Palumbo Drive and Old Todds Road is approximately 1,550 feet east of the property. A shared access point to the church/child care center will remain, with no new access planned for the property.

Curb/Gutter/Sidewalks – Curb, gutters and sidewalks do not exist along this portion of Old Todds Road, although such improvements were required when a piece of the church property was sold for residential development immediately to the east of this site. These urban type improvements will certainly be discussed in association with the proposed zoning development plan.

Storm Sewers – The subject property is located within the East Hickman Creek watershed. A small detention basin exists in the northeast corner of the property to serve this property and the adjoining townhouse development. There are no known flooding problems in this immediate area.

Sanitary Sewers – The subject property is located within the East Hickman Creek sewershed and is serviced by the West Hickman Wastewater Treatment Facility in northern Jessamine County. Since changes are planned for eliminating the church and increasing the number of children cared for at the center, sewer capacity will need to be verified by the Division of Water Quality. If the property were to develop further with a typical residential land use, capacity of the sanitary sewer system would need to be further evaluated at that time.

Refuse – The Urban County Government provides refuse collection within this portion of the Urban Service Area on Fridays, although commercial developments oftentimes hire private refuse collection contractors for more frequent collection.

Police – The property is located within the East Sector; although the Central Sector Roll Call Center is closer to the subject property. This police station is located on Goodwin Drive near the intersection of Winchester Road and Industry Road, about 2½ miles to the northwest of the subject property.

Fire/Ambulance – The nearest fire station to the subject property is Station #21, located at the intersection of Mapleleaf Drive and Dabney Drive. The fire station is located about one mile to the southeast of the subject property.

Utilities – All utilities, including electric, gas, water, telephone, and cable service currently serve this area and the subject property.

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 to rezone the subject property in order to establish the child care center as the primary land use on the property, and increase the number of children that may be cared for at the center. A conditional use permit has also been requested as part of this zone change.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone for approximately 5½ acres of property located at 2700 Old Todds Road.

The subject property is located on the south side of Old Todds Road, between its intersections with Palumbo Drive and North Mt. Tabor Road. The property is surrounded by residential zoning, including R-1T, R-3 and R-4 zoning, and land use of varying types and densities,.

The petitioner proposes rezoning the subject property in order to continue to operate a child care center at the site after the Lexington Covenant Church is no longer there. The child care center is planning to purchase the church building and property; however, a child care center is only permitted as a conditional use in the A-U zone when accessory to a church or school. Since the church wishes to sell the property and move, the child care center must rezone it in order to be eligible for a conditional use permit as the primary use of the property. If the Planning Commission grants the associated conditional use, it will become a permitted use on the property, and future modifications to the center or property will require Board of Adjustment approval.

The applicant contends that the proposed R-3 zoning is appropriate and the existing A-U zoning is no longer appropriate at this location. The subject property is located within the Urban Service Area boundary, and the existing A-U zoning is a place holder until appropriate urban services are available to serve the land (Article 8-4(a) of the Zoning Ordinance). Since all urban services are available at this time, the A-U zone is no longer appropriate. The proposed R-3 zone, even though no residential use is planned at this time, is compatible with the surrounding residential zoning. The site cannot be connected to any of the existing residential neighborhoods that border the subject property since no stub streets were created; but the parcel is large enough to accommodate 25 – 50 dwelling units if the child care center ever ceases to exist, or if a portion of the parcel were to be sold for development. The R-3 zone also accommodates a number of conditional uses, such as child care centers, churches, community centers, nursing homes and assisted living facilities. The staff agrees with this assessment, as this child care center has been in existence since it was granted approval by the Board of Adjustment in 1995. Additionally, it is a benefit to the neighborhood because it provides a necessary service within this portion of the Urban County.

The Staff Recommends: Approval, for the following reason:

1. The proposed Planned Neighborhood Residential (R-3) zoning is appropriate, and the existing Agricultural Urban (A-U) zoning is inappropriate for the subject property, for the following reasons:
 - a. The subject property is located within the Urban Service Area boundary, and the existing A-U zoning is no longer appropriate since all utilities and urban services are available to serve the site.
 - b. The proposed R-3 zoning is most compatible with the surrounding residential zoning.
 - c. The child care center, in existence since 1995, is a beneficial and necessary neighborhood service for this portion of the Urban Services Area.
2. This recommendation is made subject to the approval and certification of ZDP 2014-19: COVENANT CHURCH, INC./THE PINES, 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/BJR/WLS

3/6/14

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