

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00016: BALL HOMES, INC.

DESCRIPTION

Zone Change: From a Planned Neighborhood Residential (R-3) zone and a High Density Apartment (R-4) zones, with conditions
To a Planned Neighborhood Residential (R-3) zone and a High Density Apartment (R-4) zones, without conditions

Acreage: 20.01 net and gross acres

Location: 478 Squires Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-3 & R-4	Vacant
To North	R-4	Single-Family & Multi-Family Residential
To East	R-3 & R-4	Planned Residential & Reservoir
To South	R-3	Planned Residential
To West	R-1E & R-3	Single-Family Residential & Planned Residential

URBAN SERVICES REPORT

Roads – Squires Road is a two-lane collector roadway that connects Alumni Drive to Richmond Road (US25/421), south of Man o’ War Boulevard. The subject property is located south of Squires Road and Squires Circle, but north of the Kentucky American Water Reservoir #4, within the center of the Peninsula Property. The extension of Squires Road is planned along the northern boundary of the subject parcel. The petitioner proposes connectivity of the local streets planned within the Peninsula Property.

Curb/Gutter/Sidewalks – Curbs, gutters and sidewalks exist along both Squires Road and Squires Circle, as well as along many other local and collector roadways in the neighborhood. Such urban improvements will be required throughout the site. Additionally, the Squires Trail is planned to follow Squires Road within this portion of the neighborhood, which will allow for connectivity to the existing Squires Trail (to the west) and trails along Richmond Road in Jacobson Park (to the east).

Storm Sewers – The subject property is located within the East Hickman watershed. A FEMA Special Flood Hazard Area does exist along the edge of Reservoir #4, and does encroach on the surrounding parcel in a few locations. The corollary development plan does not depict any stormwater facilities on-site, but improvements will be required to be constructed in compliance with the Division of Engineering Stormwater Manual within the proposed development.

Sanitary Sewers – The subject property is located within the East Hickman sewershed, and is served by the West Hickman Wastewater Treatment Facility, located in northern Jessamine County. Sanitary sewer lines do run along the southern and eastern property boundaries at the water’s edge. There is currently sanitary sewer capacity available in this sewershed, according to the latest Capacity Assurance Program information.

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

Police – The subject property is located approximately two miles to the northeast of the East Sector Roll Call Center on Centre Parkway.

Fire/Ambulance – The subject property is located equidistant from the nearest fire stations. It is 1½ miles from Fire Station #21 on Mapleleaf Drive, and Fire Station #16 on Man o’ War Boulevard at Bold Bidder

Drive. Another fire station is planned in the vicinity of Hays Boulevard and Athens Boonesboro Road to the southeast of the subject property.

Utilities – All utilities, including street lights, natural gas, telephone service, electric, water, and cable television are available in the adjoining neighborhoods, and should be able to be extended to serve 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 removal of the previously adopted conditional zoning restrictions in order to develop 81 single-family dwelling units to replace the previously proposed Fayette County Public Schools middle school on the 20 acre site. This is a proposed residential density of 4.0 dwelling units per acre.

CASE REVIEW

The petitioner requests the removal of conditions that were placed on the subject property, which is split-zoned Planned Neighborhood Residential (R-3) and High Density Apartment (R-4), in 2017 by the Urban County Planning Commission (landscape buffer) and the Urban County Council (density cap of 450 dwelling units) for the entire Peninsula Property.

The subject property is located within the center of the Peninsula Property, a 90-acre site that included a mixture of residential dwelling types, centered around a middle school. The Peninsula development is bounded on the north by a mixture of land uses and zoning categories, including single-family residences in the Hunter's Point and East Hills neighborhoods, townhouses along Squires Road, a small convenience store/gas station and neighborhood business area, and an apartment complex which is currently being replaced in connection with a new complex planned to the immediate north of the subject property. Kentucky American Water's Reservoir #4 is located to the west, south and east of the subject property, beyond the limits of the subject site.

The subject property was rezoned to a combination of Planned Neighborhood Residential (R-3) and High Density Apartment (R-4) zoning in order to develop single-family, townhouse and multi-family residential dwelling units (PLN-MAR-16-00016: Ball Homes, Inc.). The rezoning was contentious and there were expressed concerns regarding the intensity of the proposed land use, traffic impacts to the existing collector roadway system, environmental impacts to Reservoir #4, and the location of the planned shared-use trail through the neighborhood, rather than along the water's edge as planned. At that time, conditional zoning restrictions were adopted to limit the density and create a landscape buffer along the water's edge, as follows:

- a. Along the boundary of the subject property which is shared with Kentucky American Water (Reservoir #4), there shall be a fifty (50) foot landscape buffer area established from the zone change boundary. Within the buffer area:
 - (1) All structures, including accessory structures, fences and play structures shall be prohibited;
 - (2) Existing trees with a 1 and ½" caliper, or greater, shall be preserved, except for dead, diseased, hazardous trees or invasive species;
 - (3) All other trees may be removed only with the written consent of the Division of Environmental Services, if deemed to be necessary for the overall health of this environmentally sensitive area.
- b. The total number of dwelling units within the zone change area shall be limited to four hundred and fifty (450).

These restrictions were adopted in order to “more fully protect the adjacent reservoir, to address traffic concerns based on the traffic impact studies and to more fully implement the principles of the 2013 Comprehensive Plan.” (Ordinance 50-2017, adopted April 18, 2017)

Since the petitioner is requesting removal of the conditional zoning restrictions, agreement with the Comprehensive Plan is not part of the evaluation by the staff, as it would be normally. Rather, Article 6-7(c) of the Zoning Ordinance requires that the petitioner establish a finding, by a clear preponderance of evidence, that there have been unanticipated changes of an economic, physical, and social nature in the immediate area since the time the conditional zoning restrictions were imposed that have substantially changed the basic character of the area.

The petitioner contends that the requested removal of the adopted conditional zoning restrictions is appropriate because there have been such changes in the immediate area since April 2017. At the time of the initial rezoning a year ago, the Fayette County Public Schools (FCPS) expressed their interest in locating a middle school on Squires Road, occupying 20 acres of the 90-acre site proposed for development. In fact, the FCPS had originally approached Kentucky American Water Company (KAWC), the current owner of the site, to express interest in the property several years prior to the requested rezoning and proceeded to evaluate the property for compliance with state regulations. At the time of the rezoning request, the FCPS expressed their intent to purchase the property, agreed with the water company on a site configuration, and received preliminary approval from the Kentucky Board of Education for the site. The FCPS entered into a contract with the water company to purchase the property subject to certain due diligence investigations. In late March 2018, the Fayette County School Board terminated the purchase agreement with KAWC and indicated publically that they would not locate a middle school on the site. The proposed middle school, according to the traffic impact study submitted in 2016, would have generated approximately 62% of the new trips in the morning peak hour and 28% of the new trips in the evening peak hour associated with the overall development. Replacing the school with single-family residences will not eliminate traffic, but will substantially reduce the total number of new trips, will likely disperse such trips throughout the day, and will eliminate the bus and parent drop-off/pick-up impacts to the neighborhood (car lines around the school site).

In addition, the site is located within the core of the larger Peninsula Property; thus, the conditional zoning restrictions for landscape buffering along the water's edge in order to protect the environmentally sensitive area are not appropriate for the subject site.

The staff agrees with the petitioner that the FCPS decision to not build a middle school on the site and the fact that the site is not located along the water's edge constitute an unanticipated change of an economic, physical, and social nature in the immediate area since the time the conditional zoning restrictions were imposed that have substantially changed the basic character of the area. For this reason, the staff finds that the request to remove the conditional zoning restrictions is appropriate. It should be noted that the conditional zoning restrictions established for the property will remain in place for the area surrounding the subject property, which constitutes approximately 70 acres, with an address of 480 Squires Road.

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

1. The decision by the Fayette County Public Schools (FCPS) to terminate their contract with Kentucky American Water Company and to not construct a middle school on the subject property alters the traffic impact planned for the site. Replacing the school with single-family residences will not eliminate traffic, but will substantially reduce the total number of new trips, will likely disperse such trips throughout the day, and will eliminate the bus and parent drop-off/pick-up impacts to the neighborhood (car lines around the school site). The elimination of the school constitutes a major change to this area of a physical and economic nature which was not anticipated at the time the restrictions were imposed on the subject property in 2017, thus justifying the removal of the density restriction on the subject property.

2. The subject property is not located along the water's edge, adjacent to the Kentucky American Water Company's Reservoir #4; therefore, the environmentally sensitive area previously restricted through conditional zoning restrictions is not located within the 20-acre subject site. The modified development plan for this portion of the Peninsula Property and the location of the parcel removed from the water's edge make the restrictions inappropriate for the subject property. This constitutes a major change to this area of a physical nature which was not anticipated at the time the restrictions were imposed on the subject property in 2017, thus justifying the removal of the density restriction on the subject property.
3. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00045: Peninsula (a portion of)(Amd).

TLW/AT

6/6/2018

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