

STAFF REPORT ON AN AMENDED PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-18-00024: ANDERSON COMMUNITIES (AMD)

DESCRIPTION

Zone Change:	<u>REQUEST</u>		<u>ACREAGE</u>	
	<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
	R-3 CZ	R-4	9.3	12.81
	R-3 CZ	R-3	<u>28.44</u>	<u>29.74</u>
	TOTAL		37.74	42.55

Location: 2811 Spurr Road, Lexington KY, 40511

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-3 with CZ	Vacant
To North	A-R	Agricultural
To East	R-3	Residential
To South	R-3	Residential
To West	A-R / R-3	Residential / Agricultural

URBAN SERVICES REPORT

Roads – The subject property has frontage along Spurr Road (KY-1977), a two-lane collector roadway that connects Yarnallton Pike and Georgetown Road in the northern portion of the Lexington-Fayette Urban County. Sandersville Road stubs into the subject property from the west and is planned to extend into the property connecting with a proposed roadway system. Associated with the proposed roadway system will be two connections with Spurr Road. The first will be a public neighborhood entrance along the western portion of the property and the second is a gated, emergency only access connection across from Lucille Drive. The Norfolk Southern Railroad borders the site to the east. The site is situated across Spurr Road from Lucille Drive, which is a collector street that serves the Masterson Station neighborhood.

Curb/Gutter/Sidewalks – Spurr Road, historically a rural roadway, was constructed without gutter, curbing and sidewalks. The Kentucky Transportation Cabinet disallowed these improvements over a decade ago. As development has occurred on the southern side of Spurr Road, sidewalk connections have been added, allowing for proper pedestrian accessibility. New interior local and collector streets will be required to have curb, gutter, and sidewalks constructed as part of those facilities, and improvements along Spurr Road will be required.

Storm Sewers – The subject property is located within the Cane Run watershed and the Royal Spring Wellhead Protection Area. A tributary stream of Cane Run Creek flows along the eastern side of the property north toward the interstate. FEMA Flood Insurance Rate Maps do not indicate that a 100-year floodplain exists; however, an alluvial soils floodplain does exist on the subject property. A flood study will be required to determine the post-development floodplain. Storm sewers and basins will be constructed by the developer, as necessary, in accordance with LFUCG Engineering Manuals to protect water quality.

Sanitary Sewers – The subject property is located in the Cane Run sewershed. The property is served by the Town Branch Wastewater Treatment Facility, located on Old Frankfort Pike, east of New Circle Road, approximately four miles from the subject property.

Refuse – The Urban County Government provides refuse collection to residences within this portion of the Urban Service Area on Thursdays.

Police – The property is located within Police Sector 1. The nearest police Roll Call Center is located on Old Frankfort Pike near New Circle Road, approximately five miles to the south of the property

Fire/Ambulance – Fire Station #10 is currently the nearest station and is located on Finney Drive near the Georgetown Road/New Circle Road interchange, approximately three miles to the southeast of the subject property. Fire Station #24 is currently being finalized along Magnolia Springs Drive, approximately one mile south of the subject property and will serve the property in the future.

Utilities – All utilities, including electric, gas, water, telephone, and cable service are available in the immediate area and could be extended to serve the subject property at the time of its development.

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 Plan's 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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes rezoning a portion of the subject property to a High Density Apartment (R-4) zone to allow for the construction of three elderly apartment buildings. Additionally, the applicant proposes to remove the conditional zoning on the remaining portion of the subject property to allow for the construction of the apartment buildings, while also allowing for a higher density and mixture of housing options. The proposed zone change would include the development of 364 total units at a density of 9.64 units per acre.

CASE REVIEW

The petitioner has requested a zone change from a restricted Planned Residential Neighborhood (R-3) zone to a High Density Apartment (R-4) zone for approximately 9 acres of property, located along Spurr Road, across from the intersection of Spurr Road and Lucille Drive. Additionally, the petitioner has requested the removal of conditional zoning restrictions on the remaining portion of the property to allow for the construction of the apartment buildings, while also allowing for a higher density and mixture of housing options.

The subject property is located on the north side of Spurr Road, just west of the Norfolk Southern Railroad. The Blackburn Correctional Facility is located to northwest between the subject property and Interstate 64. Residential neighborhoods of a low density have developed around the property, including the Woodward-Lander Property to the west, the Masterson Station and Spicewood subdivisions to the south of Spurr Road, and the Ramsey-Sullivan property east of the subject property. Over the course of the last two years a greater amount of mixed type housing has developed in the nearby area to better utilize the urban landscape without adversely impacting the Urban Service Area boundary.

The zoning surrounding the property is primarily comprised of the Planned Residential Neighborhood (R-3) zone, with smaller portions of Agricultural Rural (A-R) zoning to the north and west, and some Light Industrial (I-1) zoning southeast of the property along the Norfolk Southern Railroad. There is High Density Apartment (R-4) zoning located approximately 1/3 of a mile northwest of the subject property, along Georgetown Road.

The subject property was initially rezoned from an Agricultural Rural (A-R) zone to a restricted Planned Residential Neighborhood (R-3) zone in 2006. During the initial rezoning the petitioner proposed the development of 128 single-family residential dwelling units on the subject property. The applicant's proposed development was concentrated on the western portion of the property, furthest from the railroad, creek and associated alluvial soils. The overall density of this development was to be 3.53 dwelling units per net acre.

The subject property was added to the Urban Service Area in 2001 with the Comprehensive Plan update. The future land use element of the 2001 Comprehensive Plan recommended Low Density Residential (LD) and Restricted Low Density Residential for the property. Low Density Residential was defined as 0 – 5 dwelling units per net acre. Approximately 18 acres of the subject property near the creek and along the Spurr Road frontage were limited to a future land use of restricted low density, defined as a maximum of 1.5 dwelling units per acre. This was due to the perceived environmental constraints and the desire to maintain the rural character of Spurr Road. The Comprehensive Plan also recommended a varied setback of 50' to 100' along Spurr Road at this location.

Consistent with the specific recommendations of the 2001 Plan, the Planning Commission approved the rezoning of the subject property to R-3 with conditional zoning restrictions regarding density, setbacks, and environmental conservation. These restrictions state that:

- a. Total average density shall be equal to or less than 5 units per net acre;
- b. A 50-foot building setback shall be provided along Spurr Road; and
- c. The 16.4 acres of wooded land depicted on the development plan shall act as a buffer area to protect the environmentally sensitive area of alluvial soils near the existing creek and frontage along the railroad tracks.

The restrictions were deemed appropriate as they resulted in greater agreement with the recommended land use restrictions in the 2001 Comprehensive Plan, and protected the environmentally sensitive area of alluvial soils in the area near the existing creek and the Spurr Road frontage along the railroad tracks.

The applicant indicates that the previously applied conditional zoning is currently inappropriate for this site. They opine that there have been significant changes of an economic, physical and social nature within the area, not anticipated when the conditional zoning was imposed, and that these changes have substantially altered the character of the area, resulting in the restrictions becoming inappropriate or improper. The applicant suggests that the 50-foot building setback was to preserve the rural character of Spurr Road. However, as new development has occurred in this area, Spurr Road has become more urbanized and the roadway is now proposed to be improved to urban standards. Subsequent neighboring subdivisions have been constructed and proposed without observing a 50-foot setback. The applicant references the rear of Masterson Station Subdivision, which is closest to the rural area of Spurr Road, and was developed with houses directly backing to Spurr Road.

Regarding the 16.4 acres of wooded land determined to be environmentally sensitive, the applicant suggests that the area has been more precisely studied since its designation. The applicant will seek to locate their proposed development in areas outside of the vegetative buffer associated with the creek and alluvial areas. Furthermore the applicant suggests the development will allow for the majority of protected land to remain as open space. While not discussed by the applicant, there have also been changes to the LFUCG Zoning Ordinance, as well as the Stormwater Manual since the establishment of the conditional zoning. The changes in both of these documents better protects environmentally sensitive areas. Per Article 19-7(g)(4)(c) – Vegetative Buffer Zone states that:

In order to protect the stream from inappropriate activities, there shall be a vegetative buffer zone of 50 feet, measured horizontally from the edge of the bank, on each side of perennial streams. The 50-foot criterion for the width of the vegetative buffer zone may be established on an average width basis as a project, as long as the minimum width of vegetative buffer zone is 25 feet or more at any measured location. The vegetative buffer zone may coincide with greenways or the setback required above. Within the vegetative buffer zone, there shall be no grading, filling, trenching, soil compaction, removal of vegetation, or other disturbance of the soil or ground cover, or construction of principal or accessory building.

This buffer allows for the protection of the environmentally sensitive areas that were the concern of the Planning Commission when the conditional zoning restriction was put into place. Furthermore, the regulation of the areas allows for targeted infill of the Urban Service Area on properties that may contain environmentally sensitive areas, but that do not cover then entirety of a property.

Additionally, the petitioner opines that both the zone change to R-4 and the removal of conditional zoning is consistent with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan by maintaining the Urban Service Boundary, while increasing the density of housing. The petitioner indicates that the rezoning of the site will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Goal #1) and supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). The applicant also suggests the zone change will allow for the production of safe, affordable, and accessible housing to meet the needs of older and/or disadvantaged residents (Theme A, Goal #1.c). Additionally, the applicant opines that this proposal also maximizes development on vacant land within the Urban Service Area and promote use of underutilized land in a way that enhances existing urban form (Theme E, Goal #1.a and 1.b). The staff concurs with these elements of the applicant's justification and supports the requested rezoning for the subject site.

The Staff Recommends: Approval, for the following reasons:

1. The requested High Density Apartment (R-4) and Planned Neighborhood Residential (R-3) zones are in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. Both the R-3 and R-4 zones allows for a mix of housing types and densities within the broader neighborhood (Theme A, Goal #1). The petitioner proposes a higher density development with direct access to open space.
 - b. The Comprehensive Plan allows for the supporting infill and redevelopment (Theme A, Goal #1.b. and Goal #2), while increasing the density of the development, which will help to uphold the Urban Service Area concept (Theme E, Goal #1). The overall residential density is increasing to 9.64 dwelling units per acre.
 - c. The proposal also maximizes development on vacant land within the Urban Service Area and promotes the use of underutilized or vacant land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b). The subject property has remained vacant, yet rezoned to an urban zone, for more than a decade.
2. The removal of the conditional zoning restrictions on the property is appropriate, for the following reasons:
 - a. There have been significant changes of an economic, physical and social nature within the area surrounding the subject property that have substantially altered the character of the area, resulting in the restrictions becoming inappropriate.
 - b. New development has occurred in this area, and Spurr Road has become more urbanized; thus, making removal of the 50-foot setback appropriate. In addition, the petitioner plans to front dwelling units to Spurr Road, creating an improved street orientation and aesthetic.
 - c. Per Article 19-7(g)(4)(c) – Vegetative Buffer, the applicant must locate their development in areas outside of the creek and alluvial areas.
 - d. The additional density proposed on the site is located along the collector street system and with direct access to available open spaces in the immediate vicinity.
3. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00083: Pappert Property (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.