

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00013: BOTTS & CRAVENS HOMEBUILDERS, LLC

DESCRIPTION

Zone Change: From a Professional Office (P-1) zone
To a Townhouse Residential (R-1T) zone

Acres: 0.26 net and gross acre

Location: 3500 and 3520 Arbor Drive (a portion of each)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	P-1	Vacant & Child Care/Gymnastics Facility
To North	R-1T	Residential
To East	R-3	Residential
To South	R-3	Residential
To West	R-1C & R-1D	Residential

URBAN SERVICES REPORT

Roads – Arbor Drive is a local cul-de-sac street that provides access to the subject property, and to a number of single family dwellings. Its intersection with Trent Boulevard is approximately 1,000 feet to the west of the subject property. Trent Boulevard, which is a collector street, extends from Kenesaw Drive in the Hartland area, to the west across Man o’ War Boulevard and terminates at Appian Way, just east of Tates Creek Road. Access to the subject property is not proposed to be modified since a final development plan was approved for this location in late 2016.

Curb/Gutter/Sidewalks – All urban road improvements exist on Arbor Drive, which is primarily a residential street. The street terminates at the subject property and provides access to four of the proposed driveways and an access easement to the remaining eight driveways for the proposed dwelling units. The sidewalks continue from the public street along the access easement to the National Academy’s parking lot.

Storm Sewers – The subject property is located within the West Hickman watershed. The nearest stream is Mill Creek, just a short distance to the west of the property. A stormwater detention basin exists to serve the property, as well as a storm sewer easement that crosses the rear of the site and should need no improvements. All storm sewer and/or detention facilities must be in compliance with the Engineering Storm Water Manual.

Sanitary Sewers – The subject property is in the West Hickman sewershed, which is served by the West Hickman Wastewater Treatment Plant. A pump station is located just to the south of the property, with a force main, as well as a gravity main, in the immediate vicinity. A sanitary sewer line crosses the rear of the subject property; easement is, in the same general area as the storm sewer easement.

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

Police – The nearest police station is located less than one mile to the northwest, at the East Sector Roll Call Center (Police Sector 3) on Centre Parkway.

Fire/Ambulance – Fire Station #16 is the nearest station to the subject property, located approximately ½ mile to the northeast on Man o’ War Boulevard, directly across from Bold Bidder Drive.

Utilities – Natural gas, telephone service, electric, water, and cable television are all available to 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 2015 Armstrong Mill Road West Small Area Plan (AMWSAP) is a plan for the revitalization of the 1900± acre area that recommends six goals. Eight designated neighborhood associations are included in the area encompassed by the Small Area Plan. The goals focus on improving safety; improving connectivity; promoting livable

neighborhoods with housing choices (while maintaining the neighborhood form) and promoting green infrastructure; improving the quality of life and health including access to affordable and healthy food; and enhancing the sense of place by creating community spaces that foster social interaction and a sense of identity.

The petitioner proposes rezoning about one-quarter of an acre in order to correct a split-zoning condition that was not of their creation.

CASE REVIEW

The applicant wishes to rezone the subject property from a Professional Office (P-1) zone to a Townhouse Residential (R-1T) zone, for about one-quarter of an acre of property on Arbor Drive.

The subject property is comprised of two small pieces of land that are each a portion of a much larger tract of land. Generally, the subject property is located on the west side of Man o' War Boulevard, just south of Armstrong Mill Road intersection. Access to the property is via Arbor Drive, which connects to Trent Boulevard about ¼ mile southwest of the subject property. The site is located in the River Park neighborhood, and was included in the 2015 Armstrong Mill West Small Area Plan, an adopted amendment to the 2013 Comprehensive Plan that makes additional recommendations for this vicinity of the Urban Service Area.

In 2013, a townhouse development/subdivision was proposed for 19 dwelling units (DP 2013-67: Wilhite Park Unit 1-B). The plan was approved by the Planning Commission and certified in 2014. Although the development was approved, no further development activity occurred and no constructions permits were ever issued. The land remained a part of the larger tract, 3500 Arbor Drive.

In June of 2016, a majority of 3500 Arbor Drive was rezoned to a Professional Office (P-1) zone to allow for the re-use of the existing National Academy building, which houses a child care center and private club for gymnastics (MAR 2016-12: Dr. James Wilhite). The proposed rezoning included all of the property owner's land that was not planned for the previously approved 19 townhomes, about 5.5 acres.

Since the original plan for townhomes never materialized, a new developer was sought for the existing R-1T zoned land. A new development plan was submitted and approved in November, 2016 for 12 townhouse dwelling units in a different configuration. The new plan utilized less land, and did not require any new private streets, which resulted in a slightly different subdivision configuration, and one that did not align with the recently approved P-1 zone change by the previous property owner.

The petitioner opines that the requested zone change is appropriate because there has been a major change of a physical, social or economic nature that was not anticipated by the 2013 Comprehensive Plan. This change is the recently approved zone change for the National Academy last year. The change to a professional office zone had the unintended consequence of impacting the existing R-1T zoning on the property more significantly than originally thought. The result is that new provisions of the zoning Ordinance now apply – namely landscape and screening requirements established by Article 18 (zone-to-zone screening between an office and residential zone) and the yard requirements when adjoining a more restrictive zone (Article 15-3). These two provisions, as a result of the recent zone change, result in the developer losing at least one dwelling unit to their approved plan. In light of this situation, and the fact that the subject lot is split between the P-1 and R-1T zones, the elimination of the P-1 zone from their parcel as well as a portion of an adjacent driveway.

The staff agrees that the recently zone change has had an unintended negative impact on the subject property and reduces its development potential. This creates a significant economic change that was not anticipated when the 2013 Comprehensive Plan was adopted, nor when the Small Area Plan was either.

The Staff Recommends: Approval, for the following reasons:

1. There has been an unanticipated change of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013, and since the Armstrong Mill Road West Small Area Plan was adopted in 2015, which supports the requested rezoning to a Townhouse Residential (R-1T) zone. The change is the 2016 zone change to a Professional Office (P-1) zone that had the unintended consequence of impacting the existing R-1T zoning on the rest of the property. The result is that other provisions of the zoning Ordinance now apply – namely landscape and screening requirements established by Article 18 and the yard requirements when adjoining a more restrictive zone established by Article 15-3. These two provisions, as a result of the recent zone change, result in the developer losing 10-20% of the project's allowable density.

TLW/WLS
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