

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2014-10: 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	0.92	0.92
	R-1D	B-1	<u>1.01</u>	<u>1.22</u>
	TOTAL		1.93	2.14

Location: 2985 Liberty Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-1D	Vacant
To North	R-3	Multi-Family Residential & Townhouses
To East	R-3	Multi-Family Residential
To South	B-1	Automobile Gas Station & Service Station
To West	B-1 & R-1D	Pharmacy & 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. It is a minor arterial that has a major 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 to this portion of the Urban Service Area. The subject property fronts on Liberty Road for approximately 100’, and fronts on a stub that was formerly Bryant Road right-of-way for approximately 175’. No new access to the property is proposed along Liberty Road; however, a connection to the adjacent apartment complex and access to the former Bryant Road is proposed.

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 exist along the Bryant Road stub street, with no gutters or sidewalks existing along the subject property’s frontage to that entrance for the adjacent shopping center, Brighton Place Shoppes.

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, but there is a substation drainage area a short distance to the east of this location. Currently, there are no storm sewers or other stormwater improvements on the subject property. The developer proposes utilizing the detention basin on the adjacent apartment site, also to the east of the subject 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 it could be connected to the sanitary sewer system through the existing lines that run along the eastern property line.

Refuse – The Urban County Government serves this portion of the Urban Service Area with collection on Tuesdays. If approved for a mixed-use commercial development, refuse collection may need to be

supplemented by a private service provider to accommodate the specific needs of the business occupants. The adjacent apartments currently utilize a central compactor, which may provide additional service to the proposed expansion of the residential zoning in the area.

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 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 a High Density Apartment (R-4) zone for about half of the subject property to allow for construction of a 24-unit apartment building, which is planned to be incorporated into the "Brighton 3050" (formerly "The Summit") apartment complex. The petitioner proposes a Neighborhood Business (B-1) zone for the remainder of the property for a mixed-use building with 12,500 square feet of retail space on the first floor, and 16 residential units on the second and third stories of the building, with associated off-street parking. Overall, the site is planned to have 40 dwelling units.

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 two acres of property located in the northern corner of the intersection of Old Todds Road and Liberty Road.

The subject property is located on the east side of Liberty Road, at the entrance to the Brighton Place Shoppes. A convenience store/gas station is situated directly south of the subject property, across this entrance drive, which was formerly Bryant Road right-of-way. The immediate vicinity was 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 created Liberty Road frontage for the subject property.

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 immediate area is comprised of both residential and business uses, as well as the local Historic District that encompasses the Cadentown residential area to the west of the subject property. This portion of the Urban Service Area has developed over the past 20 years since the construction of Man o' War Boulevard with a combination of neighborhood business and office uses fronting along Man o' War Boulevard, with residential uses to the rear of the business uses or along Liberty Road.

To the north of the subject property is a portion of the Kennedy Landing townhouse development, and to the east it is bordered by the "Brighton 3050" (formerly "The Summit") apartment complex (R-3 zone). To the south and west of the subject property is an existing neighborhood business area (mostly B-1 zoning) that fronts onto Man o' War Boulevard and Liberty Road. It includes restaurants, a pharmacy/convenience store, automobile service stations, service businesses, and a car wash (Brighton Place Shoppes and Todds Center).

The petitioner requests a rezoning to R-4 in order to expand the Brighton 3050 apartment complex. The petitioner proposes a 24-unit building, which will be at a residential density of 26.09 dwelling units per acre. In addition, the petitioner requests a rezoning to the B-1 zone in order to develop a mixed-use building with 12,500 square feet of retail space on the first floor, and 16 residential units on the second and third stories of the building, as well as associated off-street 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. Additionally, they opine that the proposal is supported by several Goals and Objectives of the 2013 Comprehensive Plan. The petitioner contends that the proposed infill of this urban and underutilized site will help to safeguard rural land, and is compatible and sensitive to the character of the existing neighborhood. 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.

The proposed rezoning of the subject property would allow development that is very similar to the existing character of the area, as 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 to the rear of the business uses or along Liberty Road. The petitioner's proposal is generally in keeping with this development pattern of the immediate area as well, as they are suggesting that the neighborhood business zone extend to generally the same depth from Man O' War Boulevard as that for the CVS Pharmacy located directly across Liberty Road. The staff finds that the proposed zone change is appropriate for the subject property and 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 closest single family residence is over 400 feet away and is located along Cadentown Road.
 - b. The proposed rezoning of the subject property will allow uses in keeping with the existing character of the area. 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 2014-40: Cadentown Subdivision, Lot 10 (Brighton 3050), 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
5/1/2014
Planning Services/Staff Reports/MAR/2014/MARV2014-10.doc