

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**MARC 2014-9: LITTLE BEGINNERS CHILD DEVELOPMENT CENTER**

**DESCRIPTION**

**Zone Change:** From a Single Family Residential (R-1B) zone  
To a Planned Neighborhood Residential (R-3) zone

**Acreage:** 0.91 Net (1.00 Gross) Acre

**Location:** 474 Stone Road

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	R-1B	Vacant Church
To North	R-1C	Single-Family Residential
To East	R-1B	Kentucky Utilities Facility
To South	R-1B	Kentucky Utilities Facility
To West	R-1C	Single-Family Residential

**URBAN SERVICES REPORT**

**Roads** – Stone Road is a local through street that connects to Clays Mill Road to the west and to Pasadena Drive to the north. It almost functions as a collector street, since it serves neighborhood and commercial traffic. The subject property is located on the east side of Stone Road, adjacent to a single-family neighborhood and a Kentucky Utilities facility. Stone Road and the access point to the proposed child care center may need to be improved to meet current standards.

**Curb/Gutter/Sidewalks** – Curbs, gutters and sidewalks do not exist along the subject property’s frontage, although such improvements were required for the Stonegate subdivision to the north of the subject property. Also, sidewalks have been constructed along the Kentucky Utilities facility property immediately to the south of the site. No improvements are evident on the west side of Stone Road. The need for 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 South Elkhorn watershed. A small detention basin exists on the rear of the property, and stormwater crosses the property from the north to the south. Since currently there are not plans to modify the impervious surface of the property, changes to this configuration may not be necessary at this time. There are currently no known flooding problems in this immediate area.

**Sanitary Sewers** – The subject property is located within the South Elkhorn sewershed and is serviced by the West Hickman Wastewater Treatment Facility in northern Jessamine County. Sewer capacity will need to be verified by the Division of Water Quality prior to occupancy of the property for a child care center, but the existing “bank” balance in this area is favorable. If the property were to redevelop with a typical residential land use, capacity of the sanitary sewer system would need to be further evaluated at that time, as well.

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

**Police** – The property is located within the West Sector; although the East Sector Roll Call Center is closer to the subject property. This police station is located on Centre Parkway near the Tates Creek School campus, about 3 miles to the southeast of the subject property.

Fire/Ambulance – The nearest fire station to the subject property is Station #15, located within Shilito Park, north of Reynolds Road. The fire station is located less than one mile to the south of the 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 a child care center to care for 85 children on the property. A conditional use permit has also been requested as part of this zone change.

### **CASE REVIEW**

The petitioner has requested a zone change from a Single Family Residential (R-1B) zone to a Planned Neighborhood Residential (R-3) zone for less than one acre of property located at 474 Stone Road.

The subject property is located on the east side of Stone Road, between its intersections with Westerfield Way and Big Run Road. The property is surrounded by single-family residential zoning (R-1B and R-1C). The single-family residential Open Gate and Stonegate subdivisions border the site to the north, west and east of the subject property. To the south of the existing church building is a Kentucky Utilities facility with offices, outdoor storage, vehicle parking, and a field of utility poles used for training purposes.

The petitioner proposes rezoning the subject property in order to operate a child care center for 85 children at the site. The property was originally developed for a small church in the 1950s, but the site has been vacant for the past year or more. The existing building is planned to be remodeled and an outdoor play area added to the north side of the building. A child care center is only permitted as a conditional use in the R-1B zone when accessory to a church, school or private club. Since the child care center will not be associated with any of those entities, the property must be rezoned in order for a child care center to be the principle use of the property, either by-right or through a conditional use permit. If the Planning Commission grants the associated conditional use, any future modifications to the center or property will require Board of Adjustment approval.

The applicant opines that the existing R-1B zoning is inappropriate because the site has never been used for a residential use, and no more than one single family residence could be located on the site without construction of a public street. Because the site is currently vacant, it is underutilized; and if it remained zoned R-1B that would continue to be the case. Rezoning the property to an R-3 zone will allow a greater number and variety of uses than if it remained R-1B, most (if not all) of which would provide a buffer between the Kentucky Utilities facility and the single-family residences in the immediate area. Additionally, beyond the adjoining properties, Stone Road does have a mixture of land uses that include mini-warehouses, a private Montessori elementary school and small-lot industrial uses closer to New Circle Road, such as automobile repair and warehouses. Although the loss of a church can be detrimental to a neighborhood, the proposed child care center will improve the livability of the immediate area by providing a necessary and family-oriented service within this portion of the Urban County.

The applicant contends that the proposed R-3 zoning is consistent with the surrounding land uses and with the 2013 Comprehensive Plan. The proposed R-3 zone, even though no residential use is planned at this time, is appropriate because it is more compatible with the surrounding residential

zoning than other available zoning categories in which a child care center is an allowable use, such as the Professional Office (P-1) or Neighborhood Business (B-1) zones. The staff agrees that the proposed R-3 zone is compatible with adjacent zoning, and provides for further residential development at this location, if the child care center ever ceases to exist. This business use also provides a transition in land use intensity between the adjacent single-family neighborhoods to the west and north, and the Kentucky Utilities facility to the south, in a similar manner that the church has for decades.

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

1. The proposed Planned Neighborhood Residential (R-3) zoning is appropriate and the existing Single Family Residential (R-1B) zoning is inappropriate, for the following reasons:
  - a. The subject property is surrounded by residential zoning; thus, the proposed R-3 zone is compatible with the adjacent zoning. Other zoning categories that permit child care centers, such as a Professional Office (P-1) or Neighborhood Business (B-1) zone, could permit more intense commercial uses at this location.
  - b. The proposed child care center, similar to the church, acts as an appropriate buffer and transitional land use between the residential neighborhoods to the west and north, and the Kentucky Utilities facility to the south.
  - c. The R-1B zoning is inappropriate because the site has never been used for a residential use, and no more than one single family residence could be located on the site without construction of a public street. The site is currently underutilized, and if it remained zoned R-1B that would continue to be the case. Absorbing vacant and underutilized land inside of the Urban Service Area is consistent with the 2013 Comprehensive Plan.
  - d. A child care center is a beneficial and necessary neighborhood service for this portion of the Urban Services Area.
  - e. Rezoning the property to an R-3 zone will allow a greater number and variety of uses on the site that can act as a buffer between the Kentucky Utilities facility to the south and the single-family residential uses to the north and west.
2. This recommendation is made subject to the approval and certification of ZDP 2014-39: Little Beginners Child Development (fka Grace Apostolic Church), 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

4/29/14

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