

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

**PLN-MAR-17-00011: JEFF & PEGGY PARR**

**DESCRIPTION**

**Zone Change:** From a Professional Office (P-1) Zone  
To a Neighborhood Business (B-1) Zone

**Acreage:** 1.09 net (1.41 gross) acres

**Location:** 2301 Huguenard Drive

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	P-1	Vacant
To North	B-6P	Shopping Center
To East	R-1C	Vacant and Accessory Parking Lot
To South	R-1C & P-1	Single Family Residence and Offices
To West	B-1	Shopping Center

**URBAN SERVICES REPORT**

**Roads** – The subject property is located in the southwest corner of the intersection of West Lowry Lane and Huguenard Drive. West Lowry Lane is a collector street that connects Nicholasville Road (US 27) to Regency Road, a collector street paralleling Nicholasville Road from Southland Drive to Moore Drive. Huguenard Drive is a local street that connects two collector streets - West Lowry Lane and Pasadena Drive to the south. Nicholasville Road is a major arterial road, consisting of 7 reversible lanes, which change to accommodate both morning and evening rush hour traffic. Access to the site is proposed from Huguenard Drive.

**Curb/Gutter/Sidewalks** – Curbs, gutters, and sidewalks exist along both W. Lowry Lane and Huguenard Drive.

**Storm Sewers** – The subject property is located within the upper reaches of the Wolf Run watershed. Stormwater improvements do not exist on the subject property, although the existing office park to the south and west was developed with a stormwater basin along Huguenard Drive which was sized to accommodate the previously planned office development. The Division of Engineering will need to verify that the existing stormwater facilities comply with the Engineering Manual. No FEMA floodplain or major flooding problems exist on the site or in the immediate area.

**Sanitary Sewers** – The subject property is located in the Wolf Run sewershed, which is served by the Town Branch Wastewater Treatment Plant, located on Lisle Industrial Avenue. The treatment plant is located four miles to the northwest. Sanitary sewer capacity will need to be verified prior to certification of the final development plan for the proposed change of land use at this location.

**Refuse** – The Urban County Government serves this portion of the Urban Service Area with refuse collection on Mondays. Frequently, commercial developments contract for additional service.

**Police** – The nearest police station is located at the East Sector Roll Call Center on Centre Parkway, about 3 miles to the southeast of the subject property.

**Fire/Ambulance** – The nearest fire station (#12) is located approximately ¾ mile northwest of the subject property, at the intersection of Southland Drive and Cherrybark Drive.

**Utilities** – Utilities, including natural gas; electric; water; cable television; and telephone service all served this property previously and are readily available in the area.

## **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 a rezoning to a Neighborhood Business (B-1) zone in order to construct two buildings with a total of 16,270 square feet for retail sales establishments and associated off-street parking.

## **CASE REVIEW**

The petitioner has requested a zone change from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone for approximately one acre of property, located at the intersection of West Lowry Lane and Huguenard Drive.

The subject property is located in the southwest corner of the intersection of W. Lowry Lane and Huguenard Drive, within the Webb Properties Office Park. West Lowry Lane is a collector street that was built to serve the Regency Shopping Center and the Webb Properties Office Park. Huguenard Drive is a local street that connects W. Lowry Lane to Pasadena Drive, which is south of the subject property.

The subject property is bounded to the north, west and south by professional office land use and zoning and to the east by Kroger, the major anchor in the Regency Shopping Center, which is zoned B-6P. The adjacent shopping center and the nearby Pasadena Plaza shopping center are occupied by a mix of retail establishments, restaurants, banks and professional offices.

The subject property, as part of a larger tract of land, was originally rezoned in 1984 to an R-3 zone in agreement with a medium density land use recommendation of the 1980 Comprehensive Plan. In 1986, the Webb Properties Company requested the same large tract (21.6 acres) be rezoned to the P-1 zone. The staff recommended disapproval because the request was not in agreement with the Comprehensive Plan, but following a public hearing, the Planning Commission recommended approval to the Urban County Council. The subject property has remained vacant since the infrastructure was built for the office park in the late 1980s. The petitioner wishes to rezone the property so that it can be developed with a higher intensity of use than currently permitted by the P-1 zoning. Their corollary development plan proposes two buildings with a total of 16,270 square feet for retail sales establishments and associated off-street parking. Restaurant and offices would also be allowable at this location, should it be rezoned as requested by the applicant.

The 2013 Comprehensive Plan no longer includes a parcel-based land use element; rather it encourages land use decisions to be made based upon small area plan recommendations, policy statements and the Goals and Objectives of the Plan. The petitioner contends that the request is in agreement with the Plan, but also that the existing zoning is no longer appropriate and the proposed zoning is appropriate.

The petitioner also opines that the request is compatible with adjoining land uses, the planned development respects the area's context and design features, will develop underutilized land for a greater utility or function, will utilize the existing infrastructure and transportation networks (which are adequate to serve the use), will create jobs near where people live, will allow space for existing business expansion, and will provide greater opportunities entertainment to attract young professionals and others to Lexington.

The 2013 Comprehensive Plan does not specifically address modest or minor changes in commercial land use that have a negligible impact on job creation or tourism. However, the general concepts, policies and guiding principles of the Plan should always be considered. As referenced in the petitioner's justification, the staff can agree that the request, if restricted, is in substantial compliance with the 2013 Comprehensive Plan. The location of this site is within an area of mixed zoning and land use, including P-1, B-1 and B-6P, and the applicant has agreed to restrict several uses that would not be compatible with the adjoining office land use, therefore a restricted B-1 zone can be considered compatible with the immediate area. The staff would note that there appears to be a higher vacancy rate of professional office space and available P-1 zoned land in this general area, when compared to nearby business sites.

The site remains an underutilized site after several decades, and should now be considered for a possible change to an alternative land use in order to better serve the needs of the community and permit this underutilized site to be developed within the Urban Service Area. In addition, the proposed development will be able to use the existing infrastructure and transportation networks, which are adequate to serve both the traveling public and the proposed use. Given the lack of information about the style of building or planned materials for the exterior of these buildings, it is difficult for the staff to determine that the development "respect's the area's context and design features." In a similar fashion, the staff cannot determine from the site plan that any entertainment or other use will help attract young professional to the community. Still, while the staff can agree that the B-1 zone (in general) permits more entertainment options than the existing P-1 zone, which is not a finding specific to this subject property.

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

1. A restricted Neighborhood Business (B-1) zone is substantially in agreement with the 2013 Comprehensive Plan, for the following reasons:
  - a. The site has been an underutilized site after almost three decades with P-1 zoning. The property should be considered for a possible change to an alternative zone in order to permit a new use that will better serve the needs of the community within the Urban Service Area.
  - b. The proposed zoning and land use are generally compatible with the nearby businesses, including professional offices, retail sales establishments, banks, and restaurants that have developed along W. Lowry Lane and Pasadena Drive (and between). Conditional zoning restrictions to limit uses that may impact the adjoining offices uses or would be undesirable would be appropriate for the subject property to ensure future land use compatibility.
  - c. The proposed development will be able to use the existing infrastructure and transportation networks (which are adequate to serve the use). This is consistent with the guiding principles of the Comprehensive Plan, specifically Chapter 6: "Improving a Desirable Community."
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00023: Webb Properties Office Park, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the property via conditional zoning:

**Prohibited Uses**

- a. Drive-through windows when accessory to restaurants.
- b. Beer, liquor and wine stores (stores devoted primarily to the sales of beer, wine and distilled spirits for consumption off-premises).
- c. Automobile service stations; automobile and vehicle refueling stations; and gasoline pumps.
- d. Carnivals, festivals and concerts.

These restrictions are appropriate because they have been offered by the applicant and will limit inappropriate uses within an established office park.