

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2015-14: GULFSTREAM ENTERPRISES, LLC

DESCRIPTION

Zone Change: From a Planned Shopping Center (B-6P) zone
To an Interchange Service Business (B-5P) zone

Acreage: 4.66 net (5.41 gross) acres

Location: 1750 Pleasant Ridge Drive; 2008 and 2024 Bryant Road; and 1976 Justice Drive

EXISTING ZONING & LAND USE

| <u>Properties</u> | <u>Zoning</u> | <u>Existing Land Use</u> |
|--------------------------|----------------------|--|
| Subject Properties | B-6P | Vacant |
| To North | B-5P | Hotels and Interstate 75 |
| To East | B-6P & I-1 | Detention Basin & Automobile Service Establishment |
| To South | B-5P & R-1D | Vacant Car Wash & Single-Family Residential |
| To West | B-5P & B-6P | Vacant Car Wash, Commercial & Restaurants |

URBAN SERVICES REPORT

Roads – The subject properties are collectively bounded to the northwest by Justice Drive, to the northeast by Bryant Road and to the south by Pleasant Ridge Drive. Pleasant Ridge Drive is a collector street serving both the commercial uses and the residential subdivision that exist within this area. It intersects Man O’ War Boulevard (KY 1480) approximately 1,850 feet to the northwest of the subject properties. The Man O’ War Boulevard and Interstate 75 interchange is about 1,300 feet from the northern corner of the subject properties. Bryant Road is also a collector street, but serves only commercial and industrial properties in this vicinity. Justice Drive is a local street that connects these two collectors. All of these streets were built to full urban standards, and no improvements appear to be needed at this time.

Curb/Gutter/Sidewalks – All of the existing streets are built with curb, gutter and sidewalks as required by the Subdivision Regulations, and no improvements are anticipated.

Storm Sewers – The subject properties are located within the North Elkhorn Creek watershed and stormwater improvements have been completed within this commercial area. In fact, a large stormwater detention basin, which will handle stormwater not only for the subject properties, but other commercial properties and the adjacent Timber Creek subdivision as well, is located immediately adjacent (to the southeast) of the subject site. No FEMA special flood hazard area or known flooding issues existing within the immediate area.

Sanitary Sewers – The subject properties are located within the East Hickman sewershed, and will be serviced by the West Hickman Wastewater Treatment Facility in northern Jessamine County. Sanitary sewers have been constructed within the area; however, capacity of the sewer system will need to be verified prior to any construction. The North Elkhorn Pump Station bank of the Capacity Assurance Program currently shows available sanitary sewer capacity in this area.

Refuse – Refuse collection to residential properties is provided by the Urban County Government to this portion of the Urban Service Area on Tuesdays. Commercial uses often contract for more frequent service with private refuse haulers, as necessary.

Police – The nearest police station to this location is the Central Sector Roll Call Center on Industry Road, near the interchange of Winchester Road and New Circle Road, about 3½ miles to the northwest of the subject properties.

Fire/Ambulance – The subject properties are located nearest Fire Station #21, on Mapleleaf Drive, south of Man O' War Boulevard, approximately 1½ miles to the southwest. In addition, a new fire station is planned for the Hamburg area near the intersection of Winchester Road and Man O' War Boulevard, but a site has not yet been identified. This proposed fire station would most likely be less than one mile from the site, once it is constructed and operational.

Utilities – All utilities, including electric, gas, water, telephone, and cable are available in the immediate area. All utilities should be easily extended into the subject properties.

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. 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 an Interchange Service Business (B-5P) zone in order to develop two hotels on the subject properties. The hotels are planned to have 125 and 100 rooms, respectively, and associated off-street parking.

CASE REVIEW

The petitioner has requested a zone change from a Planned Shopping Center (B-6P) zone to an Interchange Service Business (B-5P) zone for about 4.7 acres of land located between Bryant Road and Pleasant Ridge Drive, and west of Interstate 75

The subject properties are four contiguous parcels of land situated near the southeast quadrant of the interchange of Interstate 75 and Man O' War Boulevard. The site is bordered by Pleasant Ridge Drive to the south, Bryant Road to the northeast and Justice Drive to the northwest.

The area is characterized by commercial land uses that are developed mostly in support of the traveling public along the interstate. Many restaurants, gas stations, hotels and banks occupy this quadrant of the Man O' War Boulevard and I-75 interchange, mostly with a mix of B-6P and B-5P zoning. The two quadrants on the east side of I-75 are located within the Expansion Area, which does not currently permit hotels in any of its zoning categories, and land west of the interstate has experienced some increase in demand for uses such as hotels. The Timber Creek subdivision is located across Pleasant Ridge Drive from the subject properties, but the rear yards of the single-family homes within this neighborhood adjoin this collector street.

The petitioner proposes to construct two hotels, with 125 and 100 rooms, respectively. Access will be provided to all three of the adjoining streets. The entire site is currently vacant.

In 1989, the subject properties were part of a zone change from the A-R zone to the B-5P zone in order to construct a sizeable area for interstate-oriented commercial development. In 2004, the subject properties were proposed for rezoning to a B-6P zone in order to develop more neighborhood-oriented businesses, much like the development occurring at the time across Man O' War Boulevard within

Hamburg Pavilion. Portions of this area in closest proximity to the interstate have developed over the past 25 years; however, the core of the area, between Bryant Road and Pleasant Ridge Drive, have mostly remained vacant despite the rezoning to a more flexible zoning category over a decade ago. A few restaurants, service-oriented businesses, and a tire store/automobile service facility have been developed, but a car wash in the area has been closed for a number of years.

The 2013 Comprehensive Plan focuses on general land use policies, such as land use compatibility; well-designed neighborhoods; improving a desirable community; and making the best use of land inside the Urban Service Boundary for the protection of the surrounding rural areas, no longer utilizing a land use map. The petitioner contends that the proposal is in agreement with the 2013 Comprehensive Plan, has long been designated for highway business/interchange business activities by Plans from 2001 and earlier, promotes tourism, is consistent and compatible with adjoining land use, and will develop vacant land. The 2013 Comprehensive Plan does not really address modest or minor changes in commercial land use that have a negligible impact on job creation or tourism.

Rather, the staff finds that the existing B-6P zone is inappropriate and the proposed B-5P zone is appropriate. The existing B-6P zoning is no longer appropriate at this location because the demand for general commercial use is being met on alternate sites within the larger general area. The fact that a rezoning in 2004 to a zoning category that permits more commercial land uses (but not a hotel) did not spur development, speaks to the market demand in this particular area of the Urban County. It is likely that Hamburg Pavilion and now Hamburg East (across the interstate), have met the general business zoning demands, but neither of these two developments has successfully incorporated hotels. The site remains an underutilized site after a decade of vacancy, and should be considered for a possible change to an alternative business use in order to better serve the needs of the community and infill vacant lands within the Urban Service Area.

The B-5P zone is appropriate at this location because it is compatible with adjoining land uses and zoning, which includes a number of other hotels, a restaurant, gas stations and typical land uses permitted by the requested zone. It is also appropriate because it meets the intent of Article 11 of the Zoning Ordinance, which states that limited commercial facilities that conveniently provide transient type services should be located at limited access highway interchanges. For these reasons the staff is in support of the proposed zone change.

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

1. The requested Interchange Service Business (B-5P) zone is appropriate, and the existing Planned Neighborhood Shopping Center (B-6P) zone is inappropriate, for the following reasons:
 - a. The existing B-6P zoning is no longer appropriate at this location because the demand for general commercial is being met on alternate sites within the general area, but neither of these two developments has successfully incorporated hotels to serve the traveling public.
 - b. The site remains an underutilized site after a decade of B-6P zoning, and should be considered for a possible change to an alternative business zone (and use) in order to better serve the needs of the community and infill vacant lands within the Urban Service Area.
 - c. The B-5P zone is appropriate at this location because it is compatible with adjoining land uses and zoning, and because it meets the intent of Article 11 of the Zoning Ordinance, which states that limited commercial facilities that conveniently provide transient type services should be located at limited access highway interchanges.
2. This recommendation is made subject to approval and certification of ZDP 2015-65: Man O' War, Unit 2A (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.

TLW/BJR/WLS

8/4/2014

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