

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00019: COWGILL PARTNERS, LP

DESCRIPTION

Zone Change:	Request	Acreages	
	<u>From</u> <u>To</u>	<u>Net</u>	<u>Gross</u>
	B-1 R-5	0.24	0.27
	I-1 R-5	<u>1.49</u>	<u>1.78</u>
	TOTAL	1.73	2.05

Location: 339, 341, 345 and 349 Blackburn Avenue, and adjacent railroad right-of-way

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	B-1 & I-1	Warehouse & Parking lot
To North	I-1	Industrial
To East	I-1	Transylvania University athletic Facilities
To South	I-1	Industrial
To West	R-2	Vacant and Single-Family Residential

URBAN SERVICES REPORT

Roads – The subject properties are located on the west side of Blackburn Avenue, a local street (42 feet of right-of-way) that connects West Third and West Fourth Street just to the northeast of downtown. Both West Third and West Fourth Street intersect with Newtown Pike (US 25 & KY 922) to the west of the subject properties. Newtown Pike is an urban major arterial roadway, which extends from downtown to Scott County. Although it appears that West Fourth Street borders the site to the north, a piece of railroad right-of-way, which was recently transferred to Transylvania University, is located along the West Fourth Street right-of-way. Recent improvements and changes along West Fourth Street include modification from one-way travel to two-way travel, and significant sidewalk upgrades from Newtown Pike to Jefferson Street. The petitioner plans to utilize access to Blackburn Avenue about 300 feet from its intersection with West Fourth Street.

Curb/Gutter/Sidewalks – Blackburn Avenue and West Fourth Street both have adequate curbs, gutters, and sidewalks. The Legacy Trail and Town Branch Trail are both planned within the immediate vicinity.

Storm Sewers – This site is located in the Town Branch watershed. No known flooding problems exist within the immediate vicinity of the subject site. Multiple storm sewer lines exist on the subject property and will need to be relocated in order for the development to occur as planned. Stormwater detention may not be required for this redevelopment site; however, water quality will need to be addressed by the developer in accordance with the Engineering Stormwater Manuals.

Sanitary Sewers – The property is located within the Town Branch sewershed, and is served by the Town Branch Wastewater Treatment Facility on Lisle Industrial Avenue. The subject properties are already served by a sanitary sewer line that runs along Blackburn Avenue. However, improvements to the line along West Fourth Street may need to be upgraded to properly serve this proposed high density residential development. The Capacity Assurance Program currently indicates a positive balance in the sewer bank associated with this portion of the Urban Service Area.

Refuse – The local government currently serves this portion of the Urban Service Area with collection on Thursdays. The petitioner may also choose to consider supplemental service from a private refuse hauler for high density apartments.

Police – The nearest police station is the Main Headquarters located on East Main Street, about ¼ mile to the southwest of the subject properties.

Fire/Ambulance – The nearest fire station (#4) is only about two blocks to the southeast of the subject properties, located on Jefferson Street between West Second and West Third Streets.

Utilities – All utilities, including phone, water, gas, electric, and cable television currently serve the subject properties. All should be able to accommodate the proposed change in land use.

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 to the Comprehensive Plan mission statement, the Goals and Objectives of the Plan also encourage growing successful neighborhoods (Theme A), creating jobs and prosperity (Theme C) and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E).

The subject properties are located within the boundary of the *Central Sector Small Area Plan*, the *Downtown Lexington Masterplan* and the *Fourth Street Zoning Study*. Each document suggests further intensification of the near downtown neighborhoods through infill development, where possible; increasing residential density; and encouraging the redevelopment of underutilized properties.

The petitioner proposes to rezone the properties to the R-5 zone in order to construct a multi-family residential building with 72 dwelling units, a density of 41.62 dwelling units per acre, and associated off-street parking. Dimensional variances are also requested in association with the zone change.

CASE REVIEW

The petitioner has requested a zone change from a Neighborhood Business (B-1) zone and a Light Industrial (I-1) zone to a High Rise Apartment (R-5) zone for a total of 1.73 acres of property, located on the west side of Blackburn Avenue, between West Third and West Fourth Streets.

The site is comprised of four parcels and an abandoned railroad right-of-way that are located near the edge of the downtown area, within the Northside neighborhood and National Register Historic District. The site currently has a warehouse/industrial structure, and a open pavement area along the street. This area has historically been characterized by residential and light industrial land uses. However, the land exchange from Eastern State Hospital to Bluegrass Community and Technical College (BCTC) and the subsequent formation of the new BCTC campus have resulted in new redevelopment interest in this portion of the Urban Service Area. In addition, Transylvania University has located its soccer and track & field athletic facilities to the West Fourth Street corridor.

The subject properties are primarily surrounded by Light Industrial (I-1) zoning, with the exception of the properties to the southwest, which are vacant but zoned Two Family Residential (R-2). The site, among several others in the area, was previously served by a railroad spur along the West Fourth Street corridor. The railroad spur has been abandoned, and was recently acquired by Transylvania University.

The petitioner wishes to remove the existing structures and proposes to construct a four-story building for multi-family residential. The building is proposed to have 72 dwelling units, with associated off-street parking to the rear of the property. Several dimensional variances are also requested in association with the zone change to facilitate the redevelopment project.

The 2013 Comprehensive Plan has several goals and objectives that are relevant to the proposed request for rezoning and the proposed redevelopment from Theme A “Growing Successful Neighborhoods,” Theme C “Creating Jobs and Prosperity” and Theme E “Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land.” The Plan recommends expanding housing choices, with emphasis on mixed-use and higher density development in certain situations to address a variety of community needs (Goals #1b. and #1d.). It also recommends supporting infill and redevelopment as a strategic component of growth, with focus on context sensitive design (Goal #2a.), and providing well-designed neighborhoods through mixed use and multi-type housing, multi-modal transportation connections (Goals #3a. and #3b.). The Plan also encourages living in close proximity to where one works (Theme C, Goal #1d.), supports the utilization of underutilized land to uphold the Urban Service Area concept (Theme E, Goal #1a.) and building in a compact, contiguous, and/or sustainable manner (Theme E, Goal #1b). The petitioner opines that the zone map amendment request is in compliance with the Comprehensive Plan; in particular, the goals and objective statements cited above.

The subject properties are located within the boundary of the *Central Sector Small Area Plan*, the *Downtown Lexington Masterplan* and the *Fourth Street Zoning Study*. Each document suggests further intensification of the near downtown neighborhoods through infill development, where possible; increasing residential density; and encouraging the redevelopment of underutilized properties.

The *Central Sector Small Area Plan*, an adopted element of the Comprehensive Plan, identifies the subject properties within Subarea C. Within the text of the Plan for Subarea C, Fourth Street was identified as a focus area due to its proximity to the BCTC Campus and the presence of underutilized land. The SAP recommended developing a new zoning category for mixed-use development that includes development and design standards that are appropriately scaled, which could be utilized within the area. Although not located within the focus area, which has now been redeveloped by Transylvania University for athletic fields, staff believes the recommendation should at least be considered along the east side of West Fourth Street as well.

Although the recommendations are not binding, the *Downtown Lexington Masterplan* and the *Fourth Street Zoning Study* can further inform the Planning Commission’s consideration of the petitioner’s request for rezoning. The *Downtown Lexington Masterplan*, which identifies the property within the Northside neighborhood on the northeast edge of downtown, also notes that “there are very few infill opportunities within this area” (page 54). The *Masterplan* more generally recommends maximizing residential density of vacant sites (Recommendation #6). The *Fourth Street Zoning Study* is a recently completed study for the area in close proximity to the new BCTC campus on Newtown Pike, the area along Jefferson Street, and the West Fourth Street corridor connecting the two areas. The subject property is identified as part of a focus area where an urban mixed-use zone should be created, which is a recommendation that is consistent with the *Central Sector Small Area Plan*. The east side of Fourth Street, where a conflict exists between industrial land use and residential land use, the *Study* also described an “opportunity district” for mid-density residential or mid-low density mixed-use development which could create a transition from more intense uses to the north and west to the existing single-family residences and church along Blackburn Avenue.

Collectively, the plans support residential infill and redevelopment and elimination of the existing industrial land uses along the West Fourth Street corridor. The petitioner’s applicant is consistent with these recommendations, albeit possibly more dense than envisioned by the Plans. The petitioner has situated the proposed building very near the street and placed parking to the rear of the building to support the urban environment and improve the urban streetscape.

The petitioner contends that the proposed High Rise Apartment (R-5) zone is in agreement with the 2013 Comprehensive Plan since it supports several of the Goals and Objectives states. The staff agrees, and also finds that it is consistent with the *Central Sector Small Area Plan* which calls for redevelopment in this area, and much of the more recent *Fourth Street Zoning Study performed for this area*.

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

1. The proposed High Rise Apartment (R-5) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. Theme A “Growing Successful Neighborhoods” recommends expanding housing choices, with emphasis on mixed-use and higher density development in certain situations to address a variety of community needs (Goals #1b. and #1d.). It also recommends supporting infill and redevelopment as a strategic component of growth, with focus on context sensitive design (Goal #2a.), and providing well-designed neighborhoods through mixed use and multi-type housing, and multi-modal transportation connections (Goals #3a. and #3b.).
 - b. The petitioners proposed zone change will enable redevelopment of an industrial site in the near downtown Northside neighborhood, very close the West Fourth Street corridor between Newtown Pike and Jefferson Street. The petitioner’s proposed project will provide additional housing options for the area Newtown Pike corridor in a context-sensitive manner, while offering multi-modal transportation connections (vehicular, bicycle, pedestrian and transit) to the urban core as well as Transylvania University and the BCTC Campus.
 - c. Theme C “Creating Jobs and Prosperity” encourages locating jobs where people live (Goal #, and vice versa, making it easier for citizens to get to employment centers and reduce congestion in the process. The petitioner’s proposed project is situated between the BCTC Campus, Transylvania University and downtown, thus an opportunity exists to provide high density housing near existing jobs and higher education.
 - d. Theme E “Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land” also encourages the utilization of underutilized land to uphold the Urban Service Area concept (Goal #1a.) and building in a compact, contiguous, and/or sustainable manner (Goal #1b). The petitioner is redeveloping an underutilized industrial site along West Fourth Street, which has been identified as a focus area for redevelopment in several supporting plans, thus fulfilling the intent of the Comprehensive Plan.
2. The subject properties are located within the boundary of the Central Sector Small Area Plan, adopted by the Planning Commission in 2009. The SAP identifies the Fourth Street corridor west of Jefferson Street as a focus area to better connect the new BCTC campus to Transylvania University.
3. The *Downtown Lexington Masterplan* recommends maximizing residential density of vacant sites (Recommendation #6), and this proposal furthers that recommendation.
4. The *Fourth Street Zoning Study* identifies the subject properties as part of a focus area, where an urban mixed-use zone should be created, which is a recommendation that is consistent with the *Central Sector Small Area Plan*. The *Study* also described an “opportunity district” for mid-density residential or mid-low density mixed-use development which could create a transition from more intense uses to single-family residences. The proposed R-5 zone will create a higher density and intensity along the West Fourth Street corridor to create a more urban environment, and which will act as a step down in land use (transition) between the more intense uses to the west and north and the single-family residences and church along Blackburn Avenue.
5. This recommendation is made subject to approval and certification of PLN-MJDP-16-00045: Yellman’s Subdivision (Blackburn Avenue), 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/WLS
12/1/2016

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