

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00017: ABD HOLDINGS, LLC & EARTHMAN, LLC

DESCRIPTION

Zone Change:	Request		Acreages	
	<u>From</u>	<u>To</u>	<u>Net</u>	<u>Gross</u>
	R-2	B-1	0.37	0.52
	R-4	B-1	<u>1.53</u>	<u>1.90</u>
	TOTAL		1.90	2.42

Location: 412 & 420 Cross Street; 834 & 838 W Maxwell Street; and 701–731 Pine Street (odd addresses only)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	R-2/H-1 & R-4	Residential & Vacant
To North	R-1T/H-1 & R-2/H-1	Residential
To East	R-2/H-1	Residential
To South	R-4 & B-4	Residential, Vacant & Alltech Distillery
To West	B-4, I-1 & R-4	Alltech Brewery & Distillery, Residential & Vacant

URBAN SERVICES REPORT

Roads – The subject properties have frontage along four public streets, and an alley in the Davistown/Woodward Heights neighborhood area of downtown Lexington. West Maxwell Street (US 60) is major urban arterial that is part of a one-way pair with West High Street. It connects Versailles Road/West High Street to downtown Lexington. Pine, Merino and Cross Streets are local streets that provide access to the nearby residential neighborhood. Maloney Alley runs parallel to West Maxwell for one block, connecting and terminating at Cross and Merino Streets. As part of the Newtown Pike Extension Plan, Oliver Lewis Way is planned to continue from the West High Street/West Maxwell Street/Pine Street intersection to South Broadway along the former railroad bed, along the Combs Street and De Roode Street rights-of-way. Oliver Lewis Way will connect into South Broadway opposite the signalized Bolivar Street intersection. Roadway improvements along this corridor are currently underway, and Pine Street has been closed to vehicular traffic at its northern end. The proposed redevelopment will access existing local streets, but intends to close a small portion of Cross Street.

Curb/Gutter/Sidewalks – West Maxwell, Pine and Merino Streets all have curb, gutter, and sidewalks along the subject property frontage. Cross Street does not have the full complement of urban improvements – it has intermittent curb and sidewalks and no gutters.

Storm Sewers – The subject property is located within the Town Branch watershed. There is no designated FEMA Special Flood Hazard Area in the immediate area, nor any indication of flooding in the area. In older areas of town such as this, the existing storm sewers are sometimes spaced at larger intervals or are undersized. For instance, no storm sewers exist along Pine Street, except at its intersection with Merino and Cross Streets in this vicinity. Storm sewers are being installed as part of the Oliver Lewis Way roadway improvements, further to the south of this site. If further improvements are found to be needed within the immediate area, they should be completed in accordance with the adopted Engineering Manuals.

Sanitary Sewers – The subject property is located in the Town Branch sewershed and is served by the Town Branch Wastewater Treatment facility. There are no known problems related to the existing sanitary sewers in this area; however, lines may need to be improved for the change in land use proposed on the site. The Capacity Assurance Program tracking currently indicates that the sewer bank serving this immediate area does have a positive balance.

Refuse – The Urban County Government serves this urbanized area with refuse collection on Mondays. Additional collection service can be secured with a private refuse service, as desired.

Police – The nearest police station is located less than one mile northeast of the subject property at the East Main Street headquarters location.

Fire/Ambulance – The nearest fire station (#3) is located less than 1,000 feet southeast of the subject property, at the corner of Merino Street and West Maxwell Street; however, this station is dedicated to special operations and would be unlikely to service a typical call in the neighborhood. The closest full-service fire station (#4) is located on Jefferson Street, near W. Third Street, approximately ¾ mile to the southeast of the subject properties.

Utilities – Natural gas, telephone service, electric, water, streetlights, and cable television are all available to serve 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.

The 2013 Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D) and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E).

The *Newtown Pike Extension Corridor Small Area Plan*, adopted by the Planning Commission in January 2003, recommends Medium Density (MD) residential future land use for the subject properties, which was defined as a range of 5–10 dwelling units per acre. The Plan identifies the upper Davistown area as part of an "evolving neighborhood" where substantial residential stock exists, but larger vacant parcels and underutilized sites also occur. The Plan also makes recommendations to promote historic preservation (pg 100); rehabilitate existing housing stock, where feasible (pg 86); for streetscape improvements (pg 120), encouraging commercial development along key corridors and at major intersections (pg 76 & 88), enhancing community services and improving access to jobs (pg 75 & 76).

The petitioner proposes rezoning three parcels near the intersection of West Maxwell and Cross Street, and another eight parcels along Pine Street to a Neighborhood Business (B-1) zone in order to adaptively re-use and construct facilities that will support the existing Alltech Brewery and Distillery located on the adjacent parcels. Such support facilities include a museum, visitor's center, gift shop/retail establishments, business offices, banquet facilities/meeting rooms, a coffee shop and associated-off street parking. The existing Historic District Overlay (H-1) zone on a portion of the subject property will not be modified with this request.

CASE REVIEW

The petitioner has requested a zone change from a Two-Family Residential (R-2) zone with an Historic District Overlay (H-1) zone to a Neighborhood Business (B-1) zone with an Historic District Overlay (H-1) zone and from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone for approximately 2 acres of property at the intersection of West Maxwell and Cross Street, and along Pine Street at its intersection with Merino Street.

The subject properties are comprised of eight parcels that are being requested for rezoning to support the existing Alltech Brewery and Distillery, which is located along Cross Street, between West Maxwell and Pine Streets in the Davistown and Woodward Heights portion of downtown Lexington. The subject properties along West Maxwell and Cross Street (area 1) are located within the local Woodward Heights historic district, and their existing structures will remain physically intact. These parcels are occupied by two homes and the current visitor center for the Alltech Brewery & Distillery (an administrative appeal request approved by the Board of Adjustment in 2010). The subject properties located along Pine Street (area 2) are currently vacant.

The immediate vicinity is characterized by a variety of residential uses along West Maxwell Street, and the adaptive re-use of industrial property for the Alltech Brewery & Distillery. The Southend Park redevelopment has been ongoing for several years to the southwest of the subject site (lower Davistown), in support of the Newtown Pike Extension project. More changes are expected as this major roadway improvement (phase 2) in downtown Lexington is expected to be completed in the late summer or fall of this year.

The petitioner proposes a Neighborhood Business (B-1) zone in order to adaptively re-use and construct facilities that will support the existing Alltech Brewery and Distillery located on the adjacent parcels. Such support facilities include a museum, visitor's center, gift shop/retail establishments, business offices, banquet facilities/meeting rooms, a coffee shop and associated-off street parking. The existing Historic District Overlay (H-1) zone will not be modified with this request.

The subject area is located within the *Newtown Pike Extension Corridor Small Area Plan* boundary, which the Planning Commission adopted in January 2003. The staff is of the opinion that the Small Area Plan remains active, at least as long as the Newtown Pike Extension project is underway. The specific land use recommendation for the

subject properties is Medium Density (MD) residential future land use, which was defined as 5–10 dwelling units per net acre. This land use recommendation was for the upper Davistown neighborhood. The SAP identifies the upper Davistown area as part of an “evolving neighborhood” where substantial residential stock exists, but larger vacant parcels and underutilized sites also occur. The Plan also makes recommendations to promote historic preservation (pg 100); rehabilitate existing housing stock, where feasible (pg 86); for streetscape improvements (pg 120), to encourage commercial development along key corridors and at major intersections (pg 76 & 88), to enhance community services and improve access to jobs (pg 75 & 76).

The 2013 Comprehensive Plan no longer relies upon a future land use map, but does focus 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. In addition, the Goals and Objectives statements of the Plan should be reviewed for any rezoning request for compliance.

The petitioner contends that the proposal is in agreement with the 2013 Comprehensive Plan, specifically the Goals and Objectives of the Plan. The petitioner opines that the proposed zone change is an opportunity for infill and redevelopment that respects the area’s context and historic features (Theme A, Goal #2), support and showcase local assets to further the creation of a variety of jobs (Theme C, Goal #1), and will encourage the development of appropriate attractions and supportive uses that promote and enhance tourism (Theme C, Goal #1e.).

The petitioner’s desire to create a destination along the Kentucky Bourbon Trail in downtown Lexington has been accomplished to-date through adaptive re-use and utilization of the existing zoning near downtown that was not recommended to remain by previous Comprehensive Plans, or the *Newtown Pike Extension SAP*. However, the petitioner has been successful and hopes to augment their facilities to enhance the visitor experience beyond what is currently possible. This necessitates redevelopment and rezoning. While the proposal cannot be found to be in agreement with the future land use recommendation of the SAP, it does adhere to other goals and policy statements of that Plan as well as the 2013 Comprehensive Plan. For this reason, the staff does support the requested rezoning, with a recommendation to prohibit several B-1 zone uses that would be incompatible in this area so near to downtown.

If the plans for re-use and renovation of the three historic structures move forward, the Division of Historic Preservation and/or the Board of Architectural Review will need to be involved. The petitioner will have to meet the requirements for screening along the B-1 zone boundary, specifically along the side yard for 834 W. Maxwell Street. Rather than provide conditional zoning restrictions for this buffer, it is most appropriate for the petitioner to meet with the Division of Historic Preservation to agree on a context sensitive solution to the design issues related to this buffer.

The Staff Recommends: Approval, for the following reasons:

1. The proposed Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, and portions of the *Newtown Pike Corridor Extension Small Area Plan* (adopted as part of the Comprehensive Plan in 2003), for the following reasons:
 - a. The Goals and Objectives of the 2013 Comprehensive Plan recommend identifying opportunities for infill and redevelopment that respects the area’s context and historic features (Theme A, Goal #2), supporting and showcasing local assets to further the creation of a variety of jobs (Theme C, Goal #1), and encouraging the development of appropriate attractions and supportive uses that promote and enhance tourism (Theme C, Goal #1e.).
 - b. The petitioner owns and operates a joint brewing and distilling operation in downtown Lexington that currently attracts numerous visitors to the area. The operation offers guided on-site tours and product tastings, and now plans to enhance the visitor experience by offering a combination of support uses, such as a museum, visitor’s center, gift shop/retail establishments, business offices, banquet facilities/meeting rooms, a coffee shop and associated-off street parking.
 - c. The proposed business expansion at this location will support and showcase a very unique industry, which has historic connections to the area, which will inevitably create additional jobs and improve access to jobs within the *Newtown Pike Corridor Extension Small Area Plan* boundary.
 - d. The *Newtown Pike Corridor Extension Small Area Plan* acknowledged in 2003 that the Davistown area was part of an “evolving neighborhood;” however, the neighborhood has not evolved as planned for in the SAP. Rather, the immediate area (outside of the local historic district) north of the new roadway corridor has continued to experience decline, especially along Pine Street. The petitioner intends to maintain and promote historic preservation along Cross and West Maxwell Streets by integrating the existing structures,

but plans to revitalize the Pine Street area with new construction that complements and is compatible with the immediate area.

2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00040: Woodward Heights (W. Maxwell, Pine and Cross Street), 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 properties via conditional zoning:

Prohibited Uses

- a. Drive-through windows.
- b. Automobile service stations; automobile and vehicle refueling stations; and gasoline pumps.
- c. Carnivals, festivals and concerts.
- d. Funeral homes.

These restrictions are appropriate because they will limit inappropriate uses within or nearby a local historic district located near downtown Lexington.