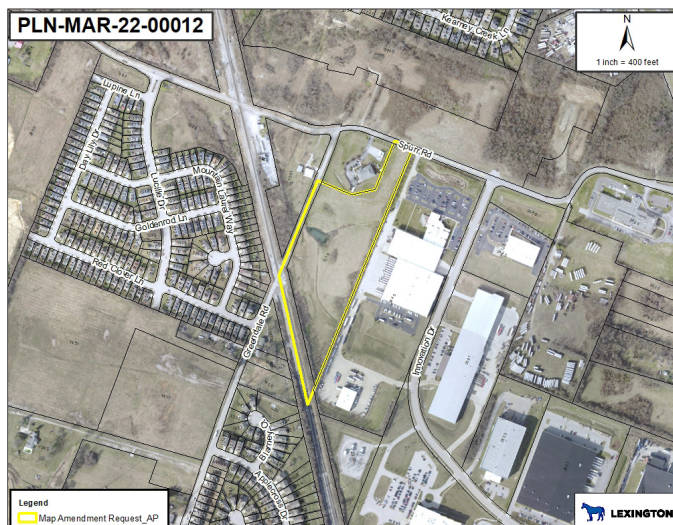


STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00012: WINTERWOOD INC.

DESCRIPTION OF ZONE CHANGE

Zone Change	From a Light Industrial (I-1) zone To a Commercial Center (B-6P) zone
Acreage:	10.113 net (11.692 gross) acres
Location:	1510 Greendale Road & 2440 Innovation Drive (a portion of)



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	I-1	Vacant
To North	I-1	Vacant/Radio Station
To East	I-1	Warehouse/ Distribution Center
To South	A-R /R-3	Railroad/ Single-Family Residential
To West	I-1	Vacant

URBAN SERVICE REPORT

Roads - The subject properties are bordered by two state roads; Greendale Road (KY 1978) bounds the properties to the west, and Spurr Road (KY 1977) bounds the properties to the north. The Norfolk Southern rail line is just to the south, and the railroad right-of-way forms the property's southern boundary. Greendale and Spurr Roads, both of which are narrow two-lane roads, are classified as collectors in this portion of the Urban Service Area. Greendale provides a north-south connection from Leestown Road (to the south) to Spurr Road (to the north), whereas Spurr Road extends eastward from North Yarnallton Pike to just beyond Georgetown Road, into the Coventry residential development.

Curb/Gutter/Sidewalks - Neither Greendale Road nor the rural portion of Spurr Road have curb, gutter or sidewalks.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to be extended to serve the proposed development.

Storm Sewers - The subject property is located within the Cane Run watershed. Storm sewers do not exist in this portion of the Urban Service Area. Additional facilities will be required for the development in this general area to address water quality and quantity. Any such improvements shall be designed and constructed in accordance with the LFUCG Engineering Manuals. There are no FEMA Special Flood Hazard Areas or known flooding issues along these properties or in the immediate vicinity. The subject properties are also located within the Royal Spring Aquifer Recharge Area, where special care is needed in order to better protect the aquifer.

Sanitary Sewers - The subject properties are located within the Cane Run sewershed. The property is served by the Town Branch Waste Water Treatment Facility, located on Lisle Industrial Avenue, southeast of New Circle Road. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the Final Development Plan.

Refuse - The Urban County Government serves this area with refuse collection on Thursdays. Supplemental service may be required to serve the needs of the proposed residential use. This can be accomplished by contracting with private refuse collectors, if desired.

Police - The nearest police station is the West Sector roll call center on Old Frankfort Pike, located three miles to the southwest, near the New Circle Road interchange.

Fire/Ambulance - The nearest fire station (#24) is located a mile to the west at the intersection of Magnolia Springs Drive and Estrella Drive, within the Masterson Station area.

Transit - Currently, there is no transit service within the subject area.

Parks - Currently, there are no parks within walking distance of the subject properties.

SUMMARY OF REQUEST

The petitioner has requested a zone change from a Light Industrial (I-1) zone to a Commercial Center (B-6P) zone in order to develop a multi-family residential development.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant met with neighboring property owners via zoom on July 26, 2022 to discuss the proposed development. At this meeting, neighbors participated and were presented with a presentation highlighting the proposed change and representations of what the development could ultimately look like. At the conclusion of the meeting, no questions were raised or any concerns voiced.

PLACE-TYPE

ENHANCED NEIGHBORHOOD	An Enhanced Neighborhood is an existing residential area that could be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options that contribute to a sustainable neighborhood. Vibrant neighborhoods include a range of uses. The development that occurs in this place-type should be context-sensitive to the surrounding area and implemented in a way that adds to the sense of place. Multi-modal connections from new elements within enhanced neighborhoods are crucial to their success and long-term viability.
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DEVELOPMENT TYPE

MEDIUM DENSITY RESIDENTIAL	<u>Primary Land Use, Building Form, & Design</u> Primarily multi-family units. Multi-family units should complement and enhance existing development through quality design and connections.
	<u>Transit Infrastructure & Connectivity</u> Nearby commercial/employment uses and greenspaces should be easily accessible, and bicycle and pedestrian modes should be maximized to connect residents to destinations.
	<u>Parking</u> These developments should include intentional open space designed to fit the needs of area residents, and a variety of neighborhood-serving commercial / employment uses.

PROPOSED ZONING



The intent of the Commercial Center (B-6P) zone is to create centers of activity that promote commerce and retail along major corridors within the community, while supporting existing residential neighborhoods and incorporating new residential opportunities in accordance with the Comprehensive Plan. The standards contained in this provision are intended to:

- a. Improve the economic base and tax structure of the Lexington metropolitan area by:
 1. Creating a variety of employment, retail, and commerce opportunities, and improving access to these opportunities;
 2. Increasing the supply and mixture of housing types available throughout Lexington, thereby improving overall housing affordability;
 3. Protecting and enhancing the investments of existing B-6P developments by providing redevelopment opportunities that unlock additional potential to better utilize existing zoned land.

- b. Create a sense of place, with experiences and community minded development rather than the over-parked, underutilized suburban model shopping centers of times past by:
 1. Creating strongly defined street edges through orienting buildings to roadways, both internal and external;
 2. Ensuring that intensive operations, such as loading areas, do not adversely impact or effectively wall off existing neighborhoods;
 3. Reducing the impact of parking on land use consumption and walkability by:
 - i. Encouraging shared parking across complementary professional office and retail uses;
 - i. Reducing overall parking.
- c. Ensure safe multi-modal transportation options through:
 1. Providing walkable developments that function well internally;
 2. Creating a well-connected external pedestrian network to adjacent neighborhoods and developments;
 3. Providing accessible mass transit facilities that easily connect people to internal destinations;
 4. Increasing residential density along major corridors, improving mass transit efficiency;
 5. Connecting roadways to provide efficient and direct access for motorists and emergency services.

PROPOSED USE



The petitioner proposes the rezoning of the subject property to the Commercial Center (B-6P) zone to allow for the construction a multi-family residential development. The proposed development consists of a mix of three-story and four-story multi-family residential structures, with a total of 216 units at a residential density of 21.36 dwelling units per acre, along with associated amenities.

PROPERTY & ZONING HISTORY



Both the property at 1510 Greendale and the property at 2440 Innovation Drive were originally agricultural uses that were zoned Agricultural Rural (A-R) at the time of the comprehensive rezoning in 1969. The property at 1510 Greendale was rezoned from Agricultural Rural (A-R) to Light Industrial (I-1) in 2002 (MAR-2002-23) in order to establish a recording studio use at this location. At that time, the Urban County Council imposed Conditional Zoning restrictions on the property, prohibiting the following uses:

1. Establishments and lots for the display, rental sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, minibikes, motorcycles, bicycles, boats or supplies for such items.
2. Tire retreading or recapping.
3. Truck terminals and freight yards.
4. Automobile service stations.
5. Vehicle fueling facilities of any type within five hundred feet (500') of any residential zone.
6. Billboards, or advertising signs as defined in Article 17-3(b)(1) of the Zoning Ordinance, within five hundred feet (500') of any residential zone.
7. Outdoor public address systems.
8. Grain drying, even when operated in a fully enclosed building.
9. The above-ground or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form, the storage of any empty container which contained any gas in any form, and the receiving of or dispensing of any gas in any form.
10. Concrete mixing and concrete products.
11. Commercial composting.
12. Helistops and heliports.
13. Mining of metallic and non-metallic minerals.

In their justification of the Conditional Zoning restrictions, the Planning Commission cited the importance

of protecting the Royal Springs Aquifer, as well as residential uses that were anticipated at the time further north of the site. Approximately two acres of the property containing the recording studio use were subdivided in 2015, leaving the remainder of 1510 Greendale Road vacant.

The adjacent parcel, 2440 Innovation Drive, was also historically zoned A-R Agricultural Rural, and was rezoned in 2007 to Light Industrial (I-1) to accommodate a warehouse and distribution center (MAR-2007-27). A 0.18 acre portion of this parcel is requested for rezoning with this request and is intended to be consolidated with the adjacent parcel at 1510 Greendale in order to meet the 10-acre minimum size requirement for the Commercial Center (B-6P) zone.

COMPREHENSIVE PLAN COMPLIANCE



GOALS & OBJECTIVES

The 2018 Comprehensive Plan, *Imagine Lexington*, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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 applicant opines that they are meeting those Goals and Objectives by proposing a development that expands housing options and addresses growing housing demand through higher density residential development (Theme A, Goal #1b, c, d). Furthermore, the applicant argues that by utilizing a currently vacant tract within the Urban Service Area, they are meeting goals relating to preserving the urban and rural balance (Theme E, Goal #1d).

While staff does find that the applicant does meet those Comprehensive Plan Goals and Objectives with this proposal, staff also finds that the applicant's proposal is in conflict with several other significant Goals and Objectives of the 2018 Plan. The Comprehensive Plan calls for development that respects the context of the surrounding areas (Theme A, Goal #2b), and development that strives for safe interactions within neighborhoods (Theme A, Goal #3d). In this instance, the character of the development along this section of Greendale Road and Spurr Road east of the railroad has been primarily industrial since the early 1990s. The applicant's proposal to locate residential development directly adjacent to existing industrial use is not context sensitive, and puts those users in close contact with potential industrial nuisances. The presence of the adjacent industrial uses, narrow roadways with high volumes of industrial traffic, and a railroad to the rear of the site are all barriers to providing a safe interactions with existing residential uses in the vicinity.

In addition, the Comprehensive Plan calls for developments to reduce their carbon footprint by prioritizing multi-modal options that de-emphasize single-occupancy vehicle dependence (Theme B, Goal #2d). While the applicant mentions multi-modal transportation within their letter of justification, the location and geographical context of the site works against the applicant's stated goal of meaningful multi-modal connections. The pedestrian improvements on-site and the anticipated multi-modal trail, north of Spurr Road cited by the applicant, do not provide a path to any neighborhood supportive uses, such as grocery stores, gas stations, services, or other commercial uses. As there currently is no Lextran service to this area, the property's significant distance and lack of multi-modal connections to these supportive uses will reinforce, rather than de-emphasize, the necessity of single user vehicles for residents.



PLACE TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject properties. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2018 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant indicates that the project is located within the Enhanced Neighborhood Place-Type. The Enhanced Neighborhood Place-Type is an existing residential area that could be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options that contribute to a sustainable neighborhood. Within the submitted letter of justification, the applicant stresses the connection between this development and the Kearney Ridge Neighborhood to the north that will occur once Sullivan's Trace is extended.

Staff is not in agreement with the appropriateness of the applicant's proposed Place-Type. The existing neighborhoods that the applicant purports to enhance are geographically isolated from the subject properties. The Garden Meadows and Glens at Greendale neighborhoods to the south are separated from the proposed development by the railroad, and pedestrian facilities between these uses along Greendale Road do not extend past the subject properties' boundary. The applicant is showing sidewalks proposed to carry pedestrians to the Kearney Ridge neighborhood to the north; however, that connection does not currently exist, and future connections to the neighborhood are predicated on the industrial land at 2701 Spurr Road developing, and Sullivan's Trace being constructed by that developer at some point in the future. Once completed, connecting to that pedestrian system will require crossing Spurr Road, which at this time is a narrow, two lane collector that carries frequent industrial traffic. The letter of justification with the request identifies the project as workforce housing, but the request does not offer any meaningful connectivity to nearby employers, nor does the letter of justification clarify what employers this development would be in support of.

Finally, the description of the Enhanced Neighborhood Place-Type calls for "context sensitive" development. The applicant identifies this portion of Greendale Road east of as an area that is changing in character to residential; however, the most recent development activity in this area has been shifting further towards industrial uses. The adjoining property at 2701 Spurr Road rezoned 37.87 acres to Light Industrial (I-1) in 2020 (MAR-20-00002), and 1551 Spurr Road rezoned 3.22 acres to I-1 in 2016. These rezonings are consistent with the historical trend of development of this area, where areas east of the railroad are primarily industrial in nature, and areas west of the railroad are primarily residential.

Within their letter of justification, the applicant identifies the proposed Development Type as Medium Density Residential, and opine that this development type is appropriate as it will serve as a transition and buffer between the Spurr Road industrial uses and the nearby single-family residential land uses. Staff again disagrees with the appropriateness of this Development Type at this location. By using this development as buffer for nearby single family development, this proposal places its residents directly adjacent to the operation of an active industrial use at 2440 Innovation Drive. The subject properties' proximity to other industrial uses, as well as the close connections to Georgetown Road, Citation Boulevard, and Interstate-64 and Interstate-75 lend the site to the Industry and Production Development Type.

Finally, the applicant has indicated that they are seeking the Commercial Center (B-6P) zone. While this is not a recommended zone for the Enhanced Neighborhood Place Type that the applicant has chosen, the applicant opines that the proposed zoning will allow for the same density of multi-family residential development permitted in several of the recommended zones. Staff once again disagrees with the

appropriateness of this zone at this location. While the B-6P zone does allow for residential development, the intent of the zone specifically states that such new residential development must be in accordance with the Comprehensive Plan. As staff is not supportive of the proposed Place-Type nor Development Type, and have found that the applicant's proposal is in conflict with several Goals and Objectives of the Comprehensive Plan, staff cannot support the applicant's proposed zone, and find that the properties' existing Light Industrial (I-1) zoning is the most appropriate zone for this location.

STAFF RECOMMENDS: DISAPPROVAL, FOR THE FOLLOWING REASONS:



1. The requested rezoning to Commercial Center (B-6P) is not in agreement with the 2018 Comprehensive Plan for the following reasons:
 - a. The proposal does not provide context sensitive development (Theme A, Goal #2b), as the proposed residential development is located in a primarily industrially zoned area, and directly adjoins an existing industrial use and active railroad line.
 - b. The proposal is not providing for safe interactions between neighborhoods (Theme A, Goal #3d), as the development is geographically isolated from other residential uses in the area, and connectivity between these uses is limited by narrow roadways, an existing railroad, and a lack of a comprehensive pedestrian facility network.
 - c. The proposal does not meet Comprehensive Plan Goals of reducing emissions and de-emphasizing single user vehicles (Theme B, Goal #2d), as the property's location and lack of meaningful connections will require their residents to utilize personal vehicles to reach neighborhood supportive uses and employers.
2. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2018 Comprehensive Plan.
3. The existing I-1 zone remains appropriate for the following reasons:
 - a. The subject property is located in close proximity to several major freight corridors and Interstate-64 and Interstate-75.
 - b. The subject property is a large vacant tract of land suitable for industrial development.
 - c. The property abuts existing industrial uses to the east, and industrially zoned property to the north and west, as well as an active railroad line.