

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-26-00011: FOX SOUTH, LLC

DESCRIPTION OF ZONE CHANGE

Zone	From a Professional Office (P-1) zone
Change:	To a Neighborhood Business (B-1) zone
Acreage:	0.684 net (1.090 gross) acres
Location:	500 Southland Drive

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	P-1	Office
To North	R-1C, P-1	Single Family Residential
To East	B-1	Business
To South	P-1	Office
To West	R-1C	Single Family Residential



URBAN SERVICE REPORT

Roads - The subject property is located at the corner of Southland Drive and Mitchell Avenue. Southland Drive is a two-way minor arterial roadway that connects Nicholasville Road (US Route #27) with Lane Allen Road, near Clays Mill Road.

Curb/Gutter/Sidewalks - Curb, gutter, and sidewalk facilities have been constructed along Southland Drive.

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

Storm Sewers - The subject property is located within the Wolf Run watershed. There are no FEMA Special Flood Hazard Areas or environmentally sensitive areas on the subject property, or the immediate vicinity.

Sanitary Sewers - The subject site is located within the Wolf Run sewershed. Sanitary sewer treatment is provided by the Town Branch Wastewater Treatment Plant for properties within this portion of the Urban Service Area, which is located on Lisle Industrial Road. Prior to any construction on the site, the Division of the Water Quality's Capacity Assurance Program will evaluate the available capacity of the system.

Refuse - The Urban County Government serves this area with refuse collection on Mondays. Supplemental service by private refuse haulers is available to supplement existing service, if necessary.

Police - The subject property is located within the West Sector, and is served by the West Sector Roll Call Center, which is located on Old Frankfort Pike, approximately three miles to the northwest of the subject property.

Fire/Ambulance - The nearest fire station (#12) is located about 1,500 feet southeast of the subject property, at the intersection of Southland Drive and Cherrybark Drive.

Transit - LexTran service is available within the immediate area along Rosemont Garden and Southland Drive. Inbound service for the Southland Drive Route (#16) is located approximately 100 feet from the subject property, at the intersection of Rosemont Garden and Southland Drive, and outbound service for this route is located approximately 240 feet from the subject property along Rosemont Garden.

Parks - There are several parks within close proximity to the subject property. Southland Park is located approximately 2/3 of a mile southwest of the subject property, while Hill-N-Dale Park is located approximately 2/3 mile to the south. Elizabeth Street Park is less than one mile to the northeast of the subject property.

SUMMARY OF REQUEST

The applicant is seeking to rezone the subject property from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone in order to allow for a neighborhood business use.

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.

DEVELOPMENT TYPE

LOW DENSITY NON-RESIDENTIAL/ MIXED-USE
Primary Land Use, Building Form, & Design
Primarily neighborhood-serving commercial uses, services, places of employment, and/or a mix of uses within low to mid-rise structures appropriately scaled to the surrounding neighborhood. Mixed-use structures can include a mix of residential, commercial, services, and/or employment uses, and an activated and pedestrian-scale ground level should be provided. Developments with a residential component are generally non-residential on the ground floor with units above, providing opportunities for live/work arrangements. The retail/service options typically include boutique-type establishments, neighborhood restaurants or pubs, and/or neighborhood-serving services like dentists, daycares, etc, and the places of employment are small offices.

Transit Infrastructure & Connectivity

Bicycle and pedestrian connections to adjoining neighborhoods, and buildings oriented to the street are required to ensure the non-residential enhances nearby neighborhoods by creating a truly walkable environment.

Parking

Parking should be minimized and where necessary, located internally.

PROPOSED ZONING



This zone is intended to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. Generally, they should be planned facilities and should be located as recommended in the Comprehensive Plan. This zone should be oriented to the residential neighborhood, and should have a roadway system which will be adequate to accommodate the anticipated vehicular traffic.

PROPOSED USE



The petitioner proposes the rezoning of the subject property to the Neighborhood Business (B-1) zone to allow for the applicant to use the existing one-story, 2,463 square-foot office structure for a neighborhood business.

The applicant proposes to retain the site's the existing 11-space parking lot configuration and existing pedestrian network with this request.

APPLICANT & COMMUNITY ENGAGEMENT



In addition to the general notification requirements, the applicant states in their justification materials that they reached out to the Rosemill Neighbors Association, Mitchell Ave Neighbors Association, Picadome Neighbors Association, and Southland Association, Inc. The applicant provided contact information and asked if the groups had questions regarding the proposed zone change. The applicant also noted they spoke with neighbors inside and outside the notification area regarding beneficial uses of the property.

PROPERTY & ZONING HISTORY



Historically, the subject property has been utilized as professional office space. The one-story, 2,463 square foot office building that currently occupies the site was constructed in 1960. In 1967, the property was zoned Higher Density Apartments (R-4), and by 1974 had been rezoned to P-1 to allow for the current office use.

COMPREHENSIVE PLAN COMPLIANCE



The 2045 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.

GOALS, OBJECTIVES & POLICIES

The applicant opines that they are in agreement with the adopted Goals, Objectives, and Policies of the 2045 Comprehensive Plan. The applicant indicates that by transitioning a parcel from a P-1 zone to a B-1 zone, the property will better fit the existing neighborhood character and intensity (Theme A, Goal #2.b). By introducing the neighborhood business scale uses into what was previously a strictly professional office development, the request will expand the uses and services available in the area through infill and adaptive reuse (Theme A, Goal #2.a). The applicant opines that the request will help support local prosperity by providing a flexible space for small business development (Theme C, Goal #2.b). The applicant is proposing a gathering space to serve the community, which they state will support the goal of encouraging neighborhood-serving businesses and community focal points (Theme A, Goal #3.d). Staff agrees that these Goals can be met with this request.

Within their letter of justification, the applicant does not directly acknowledge the Comprehensive Plan Policies that are being met with this request. However, staff finds that the request meets Design Policy #4, which relates to providing development that is sensitive to the surrounding context. While the scope of permitted uses is expanding, the footprint of the existing structure is not. With no physical changes proposed to the layout of the site, the scale of the building will remain compatible with the character of the immediate area. In expanding the allowable uses, the request meets Growth Policy #4, which promotes the adaptive reuse of existing structures. In addition, this request will provide pedestrian-friendly street patterns & walkable blocks and strengthen a neighborhood-level commercial area by utilizing existing sidewalks that connect to nearby businesses (Design Policy #5 and #12).

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 property. 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 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 and is a Low-Density Non-Residential/ Mixed Use Development 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. Staff agrees with the applicant's assessment of the proposed Enhanced Neighborhood Place-Type.

Additionally, the applicant is seeking to apply the Low-Density Non-Residential/Mixed Use Development



Type, which is recommended within the Enhanced Neighborhood Place-Type and is meant to be comprised of 1-2 story commercial development that prioritizes enhancing existing development through quality design and connections. The applicant has proposed to utilize an existing one-story structure. Staff agrees that the proposed Development Type can be appropriate for the subject property.

Finally, the applicant has requested the rezoning of the property to the Neighborhood Business (B-1) zone. This zone is a recommended zone associated with the Enhanced Neighborhood Place-Type and the Low-Density Non-Residential/ Mixed Use Development Type. Staff agrees that the B-1 zone can be appropriate for the subject property.

DEVELOPMENT CRITERIA

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2045 Comprehensive Plan. The development criteria represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Enhanced Neighborhood Place-Type and Low Density Non-Residential/ Mixed Use Development Type.

1. Land Use

The proposed rezoning meets the criteria for Land Use as it promotes modifying the current office space to include low-intensity business use that will provide neighborhood amenities in an existing mixed-use neighborhood (C-LI7-1, C-PS9-1, E-GR9-2).

2. Transportation, Connectivity, and Walkability

The proposed rezoning meets the Transportation, Connectivity, and Walkability development criteria, as the proposal will utilize the existing pedestrian and vehicular connections that are in place for the existing office building, and the property is in close proximity to existing transit stops (B-PR7-1, B-RE1-1, D-SP10-1).

3. Environmental Sustainability and Resilience

The proposed rezoning meets the criteria for Environmental Sustainability and Resilience as the applicant intends to maintain any existing tree canopy, including street trees, as recommended by the urban forester while also proposing new trees (B-PR7-1, B-RE1-1, D-SP10-1).

4. Site Design

The proposed rezoning is compatible with the Site Design criteria as over-parking will not occur as no new parking is being proposed. Additionally, the proposed rezoning enhances a well-connected and activated public realm by providing a destination that is accessible to the existing Southland Drive sidewalk network in a previously less-active section of the corridor (C-LI8-1, C-PS10-2).

5. Building Form

The proposed rezoning meets the Building Form criteria as it is incorporating reuse of a viable existing structure and minimizes significant contrasts in scale, massing, and design (A-DN2-2, E-GR4-1).

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development will fit the existing neighborhood character and intensity by retaining the existing structure and converting it to low-intensity commercial uses (Theme A, Goal #2.b).
 - b. The proposed development will introduce new neighborhood scaled and oriented business uses into what was previously a strictly professional office development through infill and adaptive reuse (Theme A, Goal #2.a).
 - c. The proposed development will support local prosperity by providing a flexible space for small business development (Theme C, Goal #2.b).
 - d. The proposed development will encourage neighborhood-serving businesses and community focal points by providing a gathering space to serve the community (Theme A, Goal #3.d).
2. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
 - a. The applicant is not proposing any changes to the exterior of the building and will remain within the character of the area (Design Policy #4).
 - b. The request will repurpose an existing structure for another use (Growth Policy #4).
 - c. This development provides pedestrian-friendly connections to other neighborhood-level commercial uses (Design Policy #5 and #12).
3. The justification and corollary development plan are in agreement with the development criteria of the 2045 Comprehensive Plan, for the following reasons:
 - a. The proposed rezoning meets the criteria for Land Use as it promotes modifying the current office space to a include low-intensity business use that will provide neighborhood amenities in an existing mixed-use neighborhood (C-LI7-1, C-PS9-1, E-GR9-2).
 - b. The proposed rezoning meets the Transportation, Connectivity, and Walkability development criteria, as the proposal will utilize the existing pedestrian and vehicular connections that are in place for the existing office building, and the property is in close proximity to existing transit stop (A-DS1-2, A-DS4-1).
 - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resilience as the applicant intends to maintain any existing tree canopy, including street trees, as recommended by the urban forester while also proposing new trees (B-PR7-1, B-RE1-1, D-SP10-1).
 - d. The proposed rezoning is compatible with the Site Design criteria as over-parking will not occur as no new parking is being proposed. Additionally, the proposed rezoning enhances a well-connected and activated public realm by providing a destination that is accessible to the existing Southland Drive sidewalk network in a previously less active section of the corridor (C-LI8-1, C-PS10-2).
 - e. The proposed rezoning meets the Building Form criteria as it is incorporating reuse of a viable existing structure and minimizes significant contrasts in scale, massing, and design (A-DN2-2, E-GR4-1).
4. This recommendation is made subject to approval and certification of PLN-MJDP-26-00033: Rosemill Subdivision Unit No 2 (Paiva Property) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

STAFF REPORT ON VARIANCE REQUEST



As part of their application, the petitioner is also seeking dimensional variances that are requesting relief from the required property perimeter screening requirements for the portions of the property that abut Planned Neighborhood Residential (R-3) zoning. The applicant is seeking to increase the maximum front yard, reduce the minimum required vehicular use area perimeter buffer, reduce the interior landscaping for the vehicular use area, and reduce the interior tree canopy for the vehicular use area as regulated in Articles 8-16(h), 18-3(a)(2)(d)(1), 18-3(b)(1), and 18-3(b)(2) of the LFUCG Zoning Ordinance.

Before any variance is granted, the Planning Commission must find the following:

- a. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Planning Commission shall consider whether:
 1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Planning Commission shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 8-16(h) states that for any Neighborhood Business (B-1) zone, the maximum front yard shall be twenty (20) feet.

Article 18-3(a)(2)(d)(1) states that the vehicular use area perimeter buffer shall be located along the perimeter of a vehicular use area and maintain a minimum average width of eight (8) feet, as measured from the outer edge of the vehicular use area.

Article 18-3(b)(1) states that any open vehicular use area containing five thousand (5,000) or more square feet of area, or fifteen (15) or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping with a minimum interior landscape area of ten (10%) percent of the total vehicular use area.

Article 18-3(b)(2) states that tree canopy equal to or exceeding thirty (30) percent of the total vehicular use area shall be provided.

CASE REVIEW

The applicant is seeking dimensional variances related to the front yard and vehicular use area (VUA). The Zoning Ordinance requires minimum and maximum front yard depth relative to each zone as well as a perimeter buffer and landscaping for VUAs. The specific landscape and land use buffer provisions were added to the Ordinance to improve the appearance of VUAs and property abutting public rights-of-way, to require buffering between incompatible land uses, and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare.

The applicant is requesting to increase the maximum front yard from twenty (20) feet to fifty (50) feet, reduce the vehicular use area perimeter buffer from eight (8) feet to zero (0) feet, reduce the interior landscaping for the vehicular use area from ten (10) percent to zero (0) percent, and reduce the interior vehicular use area tree canopy from thirty (30) percent to zero (0) percent.



The applicant states in the justification materials that the variances are necessary due to the site constraints created by the existing physical conditions on the property dating back to the site's original development in 1960. The applicant is seeking to maintain the existing site, with as few alterations as possible.

Staff acknowledges that bringing the site into total compliance with Zoning Ordinance requirements would result in the need for a complete reconfiguration of the building and its parking area. However, staff has concerns that granting full variances to other aspects of the site could negatively impact the area. In particular, staff has safety concerns with continuing to allow vehicular use area to directly abut the sidewalk on the southeast portion of the site. Instead of the full requested VUA perimeter variance, staff suggests that the applicant explore the feasibility of a lesser variance where possible to create a buffer to separate vehicular traffic and pedestrian facilities.

Staff also has concerns that granting the requested maximum setback variance would negatively impact the future redevelopment of the site. A variance granted to increase the setback would mean that any future redevelopment would similarly not be required to comply. This would circumvent the intent of the maximum setback within the B-1 zone, which is intended to create development patterns that are friendlier to pedestrians and have structures that reinforce the roadways. If no variance was sought, the nonconforming setback that the zone change would create for the existing building would not impact the applicant's ability to operate their proposed uses at this location.

At this time, staff is recommending postponement of the request. While several aspects of the applicant's request, such as the interior landscaping variance and tree canopy variance, appear to be reasonable, staff would like the applicant to explore opportunities to provide some improvements to the site to ensure that the new uses integrate well into the area.

STAFF RECOMMENDS: **POSTPONEMENT,** FOR THE FOLLOWING REASONS:



1. The applicant should review the necessity of the requested maximum setback variance.
2. The applicant should explore the feasibility of requesting a lesser VUA perimeter buffer variance in order to protect pedestrians along Southland Drive and Mitchell Avenue.