

STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

MARV 2015-22: H & J PROPERTIES OF LEXINGTON, LLC & TLJ PROPERTIES OF LEXINGTON, LLC

DESCRIPTION

Zone Change: From a Professional Office (P-1) Zone
To a Neighborhood Business (B-1) Zone

Acreage: 1.583 net (2.069 gross) acre

Location: 1400, 1402 & 1412 North Broadway

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	P-1	Veterinary, Private Club, Offices
To North	B-1 & B-3	Lexington Legends Ball Park
To East	R-1C	Single Family Residential
To South	R-1C	Single Family Residential
To West	B-1	Parking Lot, Shopping Center

URBAN SERVICES REPORT

Roads – The subject properties front along North Broadway (US 68) between the Withers Avenue intersection to the southeast and Paris Avenue intersection to the northwest. North Broadway is a four-lane major arterial roadway. Directly in front of these properties the road widens to six lanes to accommodate a dedicated left and right turn lanes at the signalized intersection, with Withers Avenue, which is opposite of the main entrance to the Lexington Legends Whitaker Bank Ball Park. Both Withers Avenue and Paris Avenue are local residential streets that connect N. Broadway to N. Limestone Street.

Curb/Gutter/Sidewalks – Curb, gutters, and sidewalks exist along Withers Avenue and North Broadway, but only for 1400 N. Broadway. 1402 and 1412 N. Broadway only have a drainage ditch and no sidewalks along this section of N. Broadway. The Paris Avenue frontage of 1412 North Broadway also has curb, gutters, and sidewalks.

Storm Sewers – The subject properties are located within the upper reaches of the Cane Run Creek watershed, and the site is located in the Royal Spring Aquifer Recharge Area. Currently, stormwater facilities are not located anywhere on the properties for the existing commercial use, except for the drainage ditch along N. Broadway. Some nearby commercial projects have been developed with storm sewers or stormwater basins. Since each of the properties is less than one acre in size and they are already developed, stormwater facilities may not be required for the property under the adopted Engineering Manuals. No FEMA floodplain or major flooding problems exist on the subject properties.

Sanitary Sewers – The subject properties are located in the Town Branch sewershed, which is served by the Town Branch Wastewater Treatment Plant. Sanitary sewer capacity will need to be verified prior to certification or occupancy for the proposed change of land use at this location.

Refuse – The Urban County Government serves this portion of the Urban Service Area with refuse collection on Tuesday. Commercial developments often contract for additional service.

Police – The nearest police station is located on Goodwin Drive, about 1½ miles northwest of the subject property.

Fire/Ambulance – The nearest fire station (#8) is located approximately 2/3 mile northeast of the subject property on North Broadway.

Utilities – Utilities, including natural gas; electric; water; cable television; and telephone service are all existing and readily available in the area.

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 Comprehensive Plan also encourages growing successful neighborhoods (Theme A) through adaptive reuse that respects the area’s context and design features (Goal 2.a.); and creating jobs and prosperity (Theme C), with emphasis on creating jobs near where people live (Goal 1.d.).

The petitioners propose to rezone the property to a Neighborhood Business (B-1) zone, utilizing the existing buildings and parking in order to expand the number of uses permitted on these properties.

CASE REVIEW

The applicants request a rezoning from the a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone for a total of three properties (1400, 1402, & 1412 North Broadway) located directly across from the Lexington Legends Whitaker Bank Ball Park. These three properties comprise the entire block front along the east side of North Broadway from Paris Avenue to Withers Avenue, the subject property being about 1.5 acres in total size.

The applicants are not proposing any new construction, but seek the approval to utilize the existing buildings and parking layout to accommodate a greater diversity of businesses than is currently allowed in the P-1 zone. At this time, there is not a proposed change of use for any of the properties, but one could assume that as current tenants relocate the area will be gradually change to offer more office and retail uses. “For Rent” signs already advertise vacant space on these properties.

The North Broadway corridor from West Loudon Avenue to New Circle Road currently has a nearly even mixture of residential, professional office, and neighborhood business zoning for those lots that front on the corridor. By and large, though, this portion of the corridor is commercial in nature. With the exception of the Legends’ ball park, which is zoned B-3, all other business-zoned properties in this corridor are B-1.

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. However, the Plan no longer utilizes a land use map. The subject properties are located within the Central Sector Small Area Plan boundaries, more specifically within Sub-Area D. The SAP identified redevelopment and investment as a guiding principle, and recommended sidewalk improvements along the N. Broadway corridor. The petitioner contends that the proposal is in agreement with the 2013 Comprehensive Plan because the Goals and Objectives support adaptive reuse and commercial activity (Theme A, Goal #2). In addition, they opine that existing neighborhoods will benefit from local businesses that residents can walk to for shopping and employment opportunities (Theme C, Goals #1 & #2).

The retail uses allowed in the B-1 zone would be well suited for these properties, especially being directly across from the ball park, which is a major tourist attraction. They would also be adjacent to other B-1 zoning to the south across Withers Avenue. However, these properties also serve as a buffer to the residential neighborhood, Fairlawn Subdivision, that is between N. Broadway and N. Limestone. As such, a few conditional zoning restrictions prohibiting uses that may generate excessive noise and light are appropriate, because of the close proximity of the subject properties to the neighborhood. With

appropriate conditional zoning restrictions, the Neighborhood Business (B-1) zone will continue provide an appropriate land use transition between the B-3 zoned ball park and the residential land uses further to the southeast of this location, promoting the Plan's emphasis on protecting existing neighborhoods.

The subject properties are located within the defined Infill & Redevelopment Area, and although the proposed rezoning would not be considered a type of infill redevelopment, they are proposing reuse of the property, and would be utilizing the existing built environment. Should these properties be completely redeveloped in the future, the setback regulations of the B-1 zone will favor a development that will require the area's context and design features, and new buildings will need to be located physically closer to North Broadway.

The Staff Recommends: Approval, for the following reasons:

1. The proposed zone change to a Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, and is supported by several Goals and Objectives of the 2013 Comprehensive Plan, including:
 - a. Theme A (*Growing Successful Neighborhoods*), Goal #2, Objective a., which states: "Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible." The petitioner is re-using the existing buildings and parking for new uses.
 - b. Theme C (*Creating Jobs and Prosperity*), Goal #1, Objective d., which encourages the creation of jobs near where people live. The property is located very near residential neighborhoods, and may provide a support or service use in the area that is not currently available.
2. The requested Neighborhood Business (B-1) zone is appropriate for this location since it is located directly across from the major tourist attraction currently located in the corridor.
3. With appropriate conditional zoning restrictions, the Neighborhood Business (B-1) zone will continue to provide an appropriate land use transition between the B-3 zoning across North Broadway (ball park) and the residential land uses further to the southeast of this location, promoting the Plan's emphasis on protecting existing neighborhoods.
4. This recommendation is made subject to the approval and certification of ZDP 2015-22: Fairlawn Subdivision Lots 19-22, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
5. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited on the subject property:
 - a. Automobile Service Stations
 - b. Miniature Golf and Putting Courses
 - c. Car Washes
 - d. Outdoor Live Entertainment
 - e. Drive-through facilities.

These use prohibitions are appropriate and necessary to ensure that future development will be compatible with the character of the adjoining residential area by prohibiting uses that are generally auto-centric and create excessive noise and light disturbances.