

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-19-00016: JULIE BUTCHER

DESCRIPTION OF ZONE CHANGE

Zone Change: From a Single Family Residential (R-1C) zone
To a Professional Office (P-1) zone

Acreage: 0.876 net (1.191 gross) acres

Location: 1918 and 1922 Nicholasville Road

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-1C	Single Family Residential
To North	R-1C	Single Family Residential
To East	R-1C	Two-Family Residential
To South	P-1	Bank
To West	B-1	Restaurant / Retail Store



URBAN SERVICE REPORT

Roads - The subject properties are located at the intersection of Nicholasville Road (US-27) and Edgemoor Drive. Nicholasville Road, an urban arterial roadway, experiences approximately 33,000 daily vehicle trips along this section of the roadway, and serves as a major commuter corridor for Lexington-Fayette Urban County. The roadway narrows from seven to five lanes the vicinity of the site, and also has lane use controls (formerly known as reversible lanes) to accommodate morning and evening peak traffic flows. There is a proposed road widening of Nicholasville Road currently being studied, which would allow for bus rapid transit (BRT). Edgemoor Drive is a local street that extends between Nicholasville Road and Glendover Road.

Curb/Gutter/Sidewalks - There are curb, gutter and sidewalk facilities along Nicholasville Road. There are only curb and gutter facilities located along Edgemoor Drive, which is representative of the construction history of the Southern Heights Neighborhood.

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 development.

Storm Sewers - The subject properties are located within the Wolf Run watershed. Storm sewers exist in this portion of the Urban Service Area. Additional facilities may be required to address water quality. 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 associated with the subject properties.

Sanitary Sewers - The subject properties are located within the Wolf Run sewershed. The properties are served by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue, south of New Circle Road. No further improvements are necessary to accommodate the proposed use of the subject property. 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 Mondays. Supplemental service may be required to serve the needs of the proposed commercial use. This can be accomplished by contracting with private refuse collectors, if desired.

Police - The nearest police station is located at the Police Headquarters, approximately 3 mile to the northeast of the subject area, on East Main Street.

Fire/Ambulance - The closest fire station (#12) is located less than one mile to the west at the intersection of Southland Drive and Cherrybark Drive.

Transit - LexTran service is available along Nicholasville Road. An outbound service transit stop is located across from the subject properties, at the corner of Goodrich Avenue and Nicholasville Road. An inbound service transit stop is located south of Jesselin Drive in-front of the Scout Shop, approximately 1,000 ft south of the subject properties. Both stops service Routes 5 and 16.

Parks - The closest park to the subject properties is the Arboretum. The closest access point to the subject properties is located across from Wildwood Avenue, less than a 1/2 mile north.

SUMMARY OF REQUEST

The petitioner has requested a zone change from a Single Family Residential (R-1C) zone to the Professional Office (P-1) zone in order to construct an office building on 0.876 net (1.191 gross) acres of property, located at 1918 and 1922 Nicholasville Road. A variance is also requested to reduce the required off-street parking for the zone.

PLACE-TYPE

CORRIDOR

A Corridor is Lexington’s major roadways focused on commerce and transportation. The overriding emphasis of Imagine Lexington is significantly overhauling the intensity of the major corridors. The future of Lexington’s corridors lies in accommodating the shifting retail economic model by incorporating high density residential and offering substantial flexibility to available land uses.

DEVELOPMENT TYPE

MEDIUM DENSITY NON-RESIDENTIAL / MIXED-USE

Primary Land Use, Building Form, & Design

Primarily community-serving commercial uses, services, places of employment, and/or a mix of uses within mid-rise structures with a higher Floor Area Ratio. Mixed-use structures typically include more multi-family residential units and places of employment, and retail and commercial options generally draw from a larger geographic area. An activated and pedestrian-scale ground level should be provided. These developments may include more employment space for professional office and can include some larger entertainment spaces.

Transit Infrastructure & Connectivity

Though they draw more external users, they should still include multi-modal connections allowing for easy neighborhood access. Mass transit infrastructure is to be provided on par with that of other modes, and the higher-density housing types should be located in close proximity.

Parking

The buildings should be oriented to the street, and developments should avoid over-parking, with provided parking located internally.

PROPOSED ZONING



This zone is primarily for offices and related uses. Retail sales are prohibited, except where directly related to office functions. This zone should be located as recommended in the Comprehensive Plan.

PROPOSED USE



The petitioner has requested a zone change to a Professional Office (P-1) zone for the properties located at 1918 and 1922 Nicholasville Road. The applicant is proposing to construct a two-story office building and the associated parking. The applicant has not indicated a specific user for the subject property, but stresses that the P-1 uses are traditionally less intrusive, due to the typical hours of operation and lower intensity.

APPLICANT & COMMUNITY ENGAGEMENT



The subject properties are located at the furthest southwest boundary of the Southern Heights Neighborhood Association (SHNA). Across Nicholasville Road is the Pensacola Park Neighborhood Association, which achieved an H-1 Overlay in December 2019. The applicant began their outreach by contacting the SHNA Board of Directors in October 2019. Following initial email and phone correspondence, the applicant and the SHNA Board of Directors met on October 10, 2019 to discuss the engagement process, and some initial concerns by the neighborhood, including traffic, neighborhood preservation, and the general development.

The applicant held a public stakeholder meeting for the SHNA members, local residents, property owners, business owners, and other stakeholders on November 4, 2019 at the Hunter Presbyterian Church. In advance of the meeting, the applicant mailed notice letters to approximately eighty (80) owners and tenants within the 500-foot notification area, asked the SHNA Board to help notify its members and local residents,



posted five (5) signs at major neighborhood intersections, and set up a public Google Drive folder with information regarding the meeting and the proposed development.

The applicant indicated that approximately forty (40) stakeholders attended the meeting, which included residential property owners, tenants, and business owners/operators. At this meeting, the applicant sought neighborhood input regarding Place-Type, Development Type, and zoning. Notes were taken at the meeting, which were subsequently published on the applicant's Google Drive folder. The applicant reported that those neighbors in attendance expressed concerns regarding redevelopment of any kind, citing traffic congestion, public safety, and changes to the existing neighborhood character. Other concerns voiced during the public meeting included traffic congestion along Nicholasville Road, access to Nicholasville Road, and light pollution.

Since the submission of their application for the proposed zone change, the applicant indicated that another meeting for those neighbors closest to the subject properties had been scheduled. Additionally, the applicant stated that they had sought to hold another public meeting prior to the technical review committee meeting (held December 18, 2019). It is staff's understanding that this meeting had been canceled and no subsequent meetings have been scheduled to date.

PROPERTY & ZONING HISTORY



The properties have been located within the Single Family Residential (R-1 or R-1C) zone, dating to the comprehensive rezoning of Lexington in 1967. The R-1C zone requires a minimum lot size of 8,000 square feet and a frontage of 60 feet. 1918 Nicholasville has a frontage of 81 feet and totals approximately 14,435 square feet. 1922 Nicholasville Road has a frontage of 138 feet and totals approximately 23,380 square feet. The subject properties are located along the southern edge of the infill and redevelopment area, which represents the historic footprint of the City of Lexington.

The subject properties and the associated structures have gone through various modifications over the course of the last 100 years. The lotting pattern has been modified several times during which the larger property, now addressed 1922 Nicholasville Road (previously 1920 Nicholasville Road) grew and then was later subdivided. Most recently the property was subdivided in 2002 to create 1918 and 1922 Nicholasville Road, as well as 103 Edgemoor Drive (Cabinet L, Slide 654). The structure on the property was originally constructed in 1924 and has experienced two periods of modification. The most recent addition included the northern wing of the structure, which added approximately 600 square feet to the structure. The structure is a Dutch Colonial Revival style building, characterized by a gambrel roof and curved eaves along the length of the house. The accessory garage for the structure is located on the 1918 Nicholasville Road parcel.

The subject properties were the subject of a zone change request in 2008, which sought the proposed P-1 zoning. At that time, the staff recommended disapproval of the zone change finding that the proposal was not in agreement with the 2007 Comprehensive Plan land use map, which recommended a Low Density Residential (LD) land use. This was defined as up to five residential dwelling units per net acre. While the requested Professional Office (P-1) zone was at that time not in agreement with this land use recommendation, the existing R-1C zoning was in agreement with the 2007 Comprehensive Plan. Additionally, the subject property was located within the study area for the Nicholasville Road Corridor North Small Area Plan (SAP), and the initial stages of data gathering had already commenced for the plan. The Nicholasville Road Corridor North Small Area Plan was abandoned due to a lack of neighborhood participation. The proposed P-1 zoning was also found to be inappropriate as Edgemoor Drive was considered to be a land use boundary between residential and office land uses in this location. This was exemplified by the six-foot brick wall that delineated that boundary along the south side of Edgemoor Drive. Finally, staff found that there had been no unanticipated change in this area that has affected the basic character of the area since the adoption of the Comprehensive Plan.

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 in agreement with the adopted Goals and Objectives of the 2018 Comprehensive Plan. The applicant indicates that they will seek to respect the context and design features of the area's surrounding development projects and develop design standards and guidelines to ensure compatibility with the existing urban form (Theme A, Goal #2.b) by implementing the Development Criteria and providing an moderate increase in land use intensity, transitioning from residential uses to professional office uses. The applicant also indicates that they are seeking to provide a well-designed neighborhood (Theme A, Goal #3) by providing for new services accessible by the residents and business along the Nicholasville Road corridor without significantly disrupting the existing nearby residential neighborhood. The applicant is also proposing to support the Complete Streets concept, encouraging the use of bicycles and public transportation by prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit, and other vehicles (Theme D, Goal #1.a and c).

The staff agrees with these aspects of the applicant's proposal and that these goals and objectives can be met. The applicant also states that the proposed rezoning seeks to support infill and redevelopment (Theme A, Goal #2.a), by locating new development within the infill and redevelopment area. Staff would like the applicant to describe how the redevelopment of this specific site meets the this Goal and Objective.

It is important to note that this recommendation represents a change from the recommendations that were based on the 2007 Comprehensive Plan. In 2013, Lexington shifted from a traditional map based land use recommendation to one that is based on policy. This allows for a greater amount of flexibility in the determination of land use, while also allowing for better development to occur in appropriate locations. The 2018 Comprehensive Plan further focused the availability of development through the establishment of more concise policies and development criteria.

The 2018 Comprehensive Plan also seeks to focus development and redevelopment more heavily along our identified corridors, like Nicholasville Road. This necessitates development and redevelopment along Lexington's corridors be respectful and compatible with adjoining land uses. This is reiterated throughout the Comprehensive Plan and distilled in the Development Criteria.

Like the 2008 zone change request, a review of land use for the Nicholasville Road corridor has recently been started with the Coordinated Corridor Land Use Plan and Transportation Study. The difference between this study and the small area plan can be found in both the focus and scope of each of the studies. The small area plan was focused on the neighborhoods desires and needs for future development of the area, as well as ways to guide potential change in and around established neighborhoods. This necessitated intensive neighborhood participation and included a scope that was well beyond the section of the corridor that they were located near. The new study is meant to identify opportunities for intensifying residential and mixed land uses along the whole of the Nicholasville Road corridor, identifying potential impacts and solutions for transit, non-motorized and vehicular travel that will result from more intensive land uses, estimating the costs and recommend phasing of needed transportation improvements and their relationship to densification thresholds, and preparing a detailed regulatory framework for implementing the plan including site specific land use recommendations and corridor-based design guidelines and/or standards. This study's focus is on the continued intensification of corridors, allowing for transit-oriented development and focused development, in an effort to maintain the continuity and integrity of neighborhoods while also providing new opportunities for our growing community. The scope of the study is the corridor itself, rather than all of the neighborhood that interact with the corridor.

Additionally, while the new Corridor Study has selected a contractor, it is still in the very early stages of review. The previous small area plan had moved beyond the goals and objectives stage and was working



towards action items when the 2007 application was submitted.

CRITERIA

The criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The criteria for development 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 Place-Type and Development Type. The applicant has indicated that the site is located within the Corridor Place-Type and is seeking to create a Medium Density Non-Residential / Mixed Use development. Staff concurs with the applicant's assessment of the Place-Type, as the development is located along an identified corridor and agrees that a Medium Density Non-Residential / Mixed Use development can be appropriate for the subject properties within a Professional Office (P-1) zone.

1. Site Design, Building Form and Location

Despite compliance with the majority of criteria for Site Design, Building Form and Location, there is one area of concern that the applicant should expand upon. In response to Development Criterion B-SU11-1: Green infrastructure should be implemented in new development, the applicant has not stated what form or location of green infrastructure on the site. Staff would like the applicant to include green infrastructure and provide details regarding options and location.

2. Transportation and Pedestrian

Due to the location of the subject property along a corridor and with the proposed reduction of parking, must be provided to address transit infrastructure and alternative modes of transportation. The Comprehensive Plan notes that mass transit infrastructure, such as seating and shelters, should be provided/enhanced along transit routes (A-DS1-1). The applicant indicated a willingness to work with LexTran to provide seating and/or a shelter for public transportation. The nearest stop to the site is approximately 1,000 feet to the south near the Jesslin Drive intersection with Nicholasville Road. Staff is interested to know if LexTran and the applicant have come to an agreement regarding proposed improvements. This is also important as the applicant is within the Infill and Redevelopment Area and has indicated a want for a reduction in the required off-street parking. While the transit stop is not within the 300 foot distance requirement, which would allow for a 10% reduction in the required parking, the availability of transit within ¼ mile allows for transportation alternatives for those who may work at the redevelopment site.

In addition to the transit infrastructure, the applicant should provide direct pedestrian linkages to the front of the proposed structure and the public right-of-way (A-DS4-1/A-EQ3-2). Currently, the proposed development does not show direct access to the front of the building to the right-of-way, nor does the plan show a pedestrian facility to the proposed sidewalk improvement along Edgemoor Drive. In an effort to allow for safe mobility for the neighborhood to the potential business and to the broader community, the applicant shall provide the necessary pedestrian infrastructure.

Finally, with the growth of the shared/gig economy, there is a need to provide appropriate infrastructure to handle new forms of mobility and delivery. The applicant should show the location of a safe pull-off for food delivery and ride sharing (E-ST3-1). This could be either located internal to the site or, with consideration by the Division of Traffic Engineering, along the right-of-way.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, maintains many of the current tree lines and canopy.



CONDITIONAL ZONING RESTRICTIONS

The Professional Office (P-1) zone is meant to be the least intrusive business zone, and is utilized as a transition from a residential area to a more commercial setting. However, in an effort to protect those residents located near the corner of Nicholasville Road and Edgemoor Drive, staff recommends the restriction of some uses. Staff recommends prohibiting auto-oriented uses including drive-through facilities, and stand alone parking lots and structures.

In an effort to further reduce any impact of the proposed development on the neighborhood, there shall be no outdoor speaker systems, and all lighting on the subject property shall be no taller than 10 ft in height, and shall be shielded and directed downward.

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



1. The requested Professional Office (P-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will respect the context and design features of the surrounding development projects and develop design standards and guidelines to ensure compatibility with the existing urban form (Theme A, Goal #2.b) by implementing the Development Criteria and providing a moderate increase in land use intensity.
 - b. The proposed rezoning will provide a well-designed neighborhood (Theme A, Goal #3) by providing for new services accessible by the residents and business along the Nicholasville Road corridor without significantly disrupting the existing nearby residential neighborhood.
 - c. The proposed rezoning supports the Complete Streets concept, encouraging the use of bicycles and public transportation by prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit, and other vehicles (Theme D, Goal #1.a and c).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that supports pedestrian mobility. Additionally, the proposed rezoning seeks to increase the intensity of use along a major arterial roadway, prioritizing an increase in land uses intensity and allowing for future mixed use.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing multi-modal connections and increasing bike and pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, and limits the impacts on the surrounding environment.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Drive-Through Facilities
 - ii. Stand alone parking lots and structures
 - b. Outdoor speakers or amplification shall be prohibited on the subject property.
 - c. Lighting shall be a maximum of 10 feet in height and shall be shielded and directed away from the neighborhood adjacent to the property.

These restrictions are appropriate and necessary for the following reasons:

 1. To reduce the potential impact of allowable professional office uses on the adjacent neighborhood.
 2. To reduce the potential impact of lighting and sound on the adjacent neighborhood.
4. This recommendation is made subject to approval and certification of PLN-MJDP-19-00075: Edgemoor Subdivision, Lot 3, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

VARIANCE REQUEST



As part of their application, the petitioner is seeking a variance for the total amount of off-street parking required for the proposed development. The petitioner is seeking to reduce the number of required parking spaces from 83 to 55 within the Infill and Redevelopment Area.

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 7-6(b) states that the Board may grant a variance to reduce the number of parking spaces by 50% of the otherwise required number in accordance with Article 16-10 for projects within the defined Infill & Redevelopment Area. Any reduction granted by the Board shall account for and include all other allowable parking reductions.

Article 15-7(d) states that there should be special considerations for Infill & Redevelopment areas. “The intent of the Infill and Redevelopment regulations is to allow new construction that is compatible with existing development patterns in older, established neighborhoods. Unique circumstances may require appropriate Board of Adjustment action to allow some relief of yard requirements where strict application of the regulations would cause unusual hardship or a development incompatible with the existing pattern of the neighborhood.”

Article 16-10 states that all parking reductions shall apply under specific circumstances. The allowable reductions can generally be taken for multi-family dwellings in residential and/or mixed use zones; however, the section of the Zoning Ordinance only permits the bicycle rack reduction for parking lots of fifty or more spaces (5% reduction) and for transit stops or shelters within 300 feet of the site (5% or 10%, respectively). A maximum of 15% of the required parking may be reduced utilizing the provisions of Article 16-10.

CASE REVIEW

For those operations within the Professional Office (P-1) zone, the LFUCG Zoning Ordinance calculates the minimum required off-street parking based on the type of land use that is proposed. For Offices, Fine Arts Studios, Banks and Financial Establishments, Offices of Veterinarians and Animal Hospitals, Medical and Dental Offices, Clinics and Laboratories, and the like, one (1) space is required for each two hundred (200) square feet of floor area. The associated development plan indicates that the required parking for the proposed development would be 83 spaces.

Within the defined Infill and Redevelopment Area there are available reductions for development that are meant to incentivize the utilization of properties within the Urban Service Area and densify, where possible. As such, Article 16-10 permits a reduction of 5% for parking for lots of fifty or more spaces that provide bicycle racks and an additional 10% reduction for sites that have transit stops with shelters within 300 feet of the site. A maximum of 15% of the required parking may be reduced utilizing these provisions. In this case the applicant is seeking to include bike racks, which can promote alternative mobility patterns and reduce Lexington’s carbon footprint. The



nearest transit stop is greater than 1,000 feet to the south of the subject properties, which precludes this particular reduction. Utilizing the bike rack, the applicant can reduce the required parking from 83 parking spaces to 79 parking spaces.

The applicant is requesting a variance to further reduce the required number of off-street parking spaces by 24 spaces (30%). The applicant is seeking this reduction as it would allow them to maximization of the F.A.R. on the site, while also providing the necessary parking for potential users. Article 7-6(b) states that a variance may be granted to reduce the number of parking spaces by 50% of the otherwise required number in accordance with Article 16-10 for projects within the defined Infill & Redevelopment Area. Any reduction granted by the Planning Commission shall account for and include all other allowable parking reductions. As such, it is within the purview of the Planning Commission to grant such a variance.

Within their justification, the applicant states that due to the proximity to public transit, the provision of bicycle racks, and the walkability from the existing neighborhood, the applicant is requesting a parking reduction. However, in review of the Southern Heights neighborhood the current walkability score is 48, the transit score is 36, and the bikeability score is 72. While the location of the property along Nicholasville Road increases the walkability score to 76 and the bikeability to 88, the connectivity of the overall area is lacking. Furthermore, when reviewing the decrease in parking, it is important to review possible solutions for overflow parking, shared-use agreements, or lease availability. While certain uses within the P-1 zone are low traffic generators, uses like doctors offices, which are common along the Nicholasville Road corridor due to the proximity to the Baptist Health Central Campus and the University of Kentucky's Chandler Medical Center, see greater amounts of visitation and higher staffing requirements. The applicant has not described potential solutions to address overflow or increased parking needs.

Finally, the applicant has not stated whether or not that the granting of this variance will neither adversely impact the public health, safety, or welfare, or alter the essential character of the general area. Nor has the applicant shown that the reduction of parking is not an unreasonable circumvention of the ordinance. Staff recommends postponement of the variance request until greater information is provided by the applicant regarding the needed parking and the impact on the surrounding area.

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



1. The applicant has adequately described the unique need for the reduction of parking and has not described potential solutions to address overflow or increased parking needs.
2. The applicant has not stated whether or not that the granting of this variance will adversely impact the public health, safety, or welfare, or alter the essential character of the general area.
3. The applicant has not shown that the reduction of parking is not an unreasonable circumvention of the ordinance.