

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00007: COMMUNITY VENTURES PROPERTIES, LLC

DESCRIPTION

Zone Change:	<u>REQUEST</u>		<u>ACREAGE</u>	
	<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
	I-1	B-1	0.35	0.54
	I-1	B-2A	<u>2.38</u>	<u>3.95</u>
	Total		<u>2.73</u>	<u>4.49</u>

Location: 556, 561, 563, 565, & 576 E Third Street; 225, 261 & 265 Midland Avenue and 250 Lewis Street

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	I-1	Vacant, Community Ventures Corporation
To North	I-1 & B-1	Catering Establishment
To East	I-1 & R-3	Industrial, Residential, Park
To South	I-1, MU-3, B-1	Townhouses/Mixed-Use Project, Industrial
To West	R-3	Charles Young Community Center

URBAN SERVICES REPORT

Roads – Midland Avenue/Winchester Road (US 60) is a four-lane, major arterial roadway into downtown from the east. It handles more than 18,000 vehicle trip per day near its intersection with E. Third Street. The signalized intersection of Midland Avenue and E. Third Street, due to the odd angle of the street intersection, functions so that left-hand turns from Midland Avenue on to E. Third Street are possible, but highly discouraged. Lewis Street, Withrow Way and Nelson Avenue are all local streets that form minor T-intersections with E. Third Street. Lewis Street is currently a one-way street from E. Third Street to Midland Avenue, but the petitioner proposes that it become a two-way street in order to improve ingress and egress from the subject site. Primary access to each of the sites will be from the local streets and not from the arterial roadways.

Curb/Gutter/Sidewalks – Curb, gutter and sidewalks do exist along Midland Avenue, and E. Third Street; however, these urban improvements do not exist along the subject properties’ frontage along Lewis Street. With the proposed redevelopment, typical street cross-section improvements will be required to be constructed by the developer. The Town Branch Commons Trail is planned to be located along the site’s Midland Avenue frontage, occupying the right-of-way and connecting across E. Third Street to the Isaac Murphy Garden, which serves as a trailhead for the Legacy Trail.

Storm Sewers – The subject properties are located within the Town Branch watershed. Stormwater improvements, such as detention basins, do not exist on the subject properties; however, storm sewer lines do exist within the right-of-way of Midland Avenue, Lewis Street, and portions of E. Third Street and Nelson Avenue. Although historically no detention basins existed to serve the subject properties, on-site stormwater quantity and quality may need to be addressed by the developer in order to comply with the Division of Engineering Stormwater Manuals. For mixed-use developments, underground storage basins are often constructed.

Sanitary Sewers – Sanitary sewers lines exist along Midland Avenue, E. Third Street, and Lewis Street, but may need to be improved in this older portion of the community to adequately serve the proposed high density/mixed-use development. The Capacity Assurance Program can issue reservation letters to applicants to ensure available capacity remains accessible for a proposed project. The Town Branch Wastewater Treatment Plant, located about 2½ miles to the northwest of the subject properties, will service this area of the Urban Service Area.

Refuse – The Urban County Government serves this portion of the Urban Service Area on Tuesday. Mixed-Use developments often utilize compactors which are serviced by private refuse companies.

Police – The Police Headquarters, located on E. Main Street, is located approximately 3/4 mile to the northwest of the site. The property is located within the Central Sector (Sector 2).

Fire/Ambulance – The closest station is Fire Station #1 and Headquarters, located on E. Third Street, between Elm Tree Lane and Martin Luther King Boulevard, located approximately one-half mile northwest of the subject properties.

Utilities – All public utilities are available to serve the redevelopment site, including gas, electric, cable, water and telephone services. Street lights are also available in the immediate 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 Plan's 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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The subject site is located within the boundary of the Downtown Master Plan (2007) as well as the adopted East End Small Area Plan (2009). Both plans encourage infill mixed-use development along the Midland Avenue and E. Third Street corridors.

The petitioner proposes a rezoning to create a mixed-use project with about 272,000 square feet of space. The project is planned to include retail space, a greenhouse, 102 apartment/condominium dwelling units, 30 senior living dwelling units, a senior community space, a greenhouse, professional offices, and an associated off-street parking area. Dimensional variances are requested with the zone change and a traffic impact study has also been prepared.

CASE REVIEW

The petitioner has requested a zone change from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone and a Downtown Frame Business (B-2A) zone for less than three acres of property at the eastern edge of downtown Lexington.

The subject properties are generally located at the intersection of Midland Avenue and E. Third Street. The area proposed for the Downtown Frame Business (B-2A) zone includes six parcels bounded by E. Third Street, Midland Avenue and Lewis Street – a triangular site. The area proposed for the Neighborhood Business (B-1) zone is comprised of another three parcels bounded by E. Third Street, Withrow Way and Nelson Avenue (on the north side of E. Third Street).

The Midland Avenue corridor is one of several primary gateways into downtown Lexington. It has historically been characterized as a business and industrial corridor near downtown with uses such as the Lexington Herald-Leader printing and office building, Smuckers Jif Peanut Butter manufacturing plant, Big Ass Fans offices and warehouses, Lexington Cut Stone and several other smaller businesses. The area between Main Street and Walton Avenue is primarily zoned B-1, B-4, and I-1, which naturally provides a mixture of land uses. E. Third Street, between its intersection with Midland Avenue and Race Street to the northwest was once a popular commercial area for the East End neighborhoods (B-1 zoning), and serves as a gateway entrance to the East End of downtown. Lewis Street (one-way traffic from north to south), Withrow Way and Nelson Avenue are all local streets that intersect with E. Third Street within 500 feet of its intersection with Midland Avenue.

The petitioner proposes a rezoning to create a mixed-use project with about 272,000 square feet of space, split between two sites - the larger triangular site and the Third Street site. The project is planned to include retail space, a greenhouse, 102 apartment/condominium dwelling units, 30 senior living dwelling units, a senior community space, a greenhouse, professional offices, and an associated off-street parking area. Dimensional variances are requested with the zone change and a traffic impact study has been prepared.

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. The subject properties are also located within the East End Small Area Plan (SAP) boundary, which encompasses the area bounded by Midland Avenue, E. Short Street, Elm Tree Lane, the RJ Corman Railroad, and Winchester Road. This SAP was adopted by the Planning Commission in April 2009. After much public input, the East End developed a neighborhood vision through 13 goal statements (p. 18) and a top ten list of planning priority projects (p. 19). The site is also situated within the Downtown Master Plan boundary, which was prepared by the Downtown Development Authority in 2007.

The petitioner contends that the proposal is in agreement with both the 2013 Comprehensive Plan and the adopted 2009 East End SAP. They opine that the proposed zone and development proposal will: provide for expanded housing choices (Theme A, Goal #1); support infill and redevelopment as a strategic component of growth and identify areas of opportunity for infill that respects the area's context and design features (Theme A, Goal #2 and #2a); provide well-designed neighborhoods and communities, including mixed-use and mixed type housing and multi-modal transportation networks (Theme A, Goal #3); support and showcase local assets to further the creation of a variety of jobs (Theme C, Goal # 1); attract the world's finest jobs, encourage entrepreneurial spirit, and enhance our ability to recruit and retain our workforce (Theme C, Goal #2); provide for accessible community services to meet the health, safety and quality of life of residents and visitors (Theme D, Goal #2); and uphold the Urban Service Area concept (Theme E, Goal #1).

Additionally, the petitioner states that their proposal will further the following East End Small Area Plan goals and objectives: create housing that is affordable, accessible and attractive to a diverse range of people (#2); promote new commercial development to create a mix of uses that respects and enhances the residential neighborhoods of the East End (#3); create a neighborhood where daily needs can be met by walking, cycling or transit (#5); ensure compatibility and encourage a complimentary relationship between adjacent land uses through strong urban design (#7); protect and enhance personal health and the environment (#9); and grow a locally based economy that offers opportunities to all residents (#12). The SAP, as well as the Downtown Master Plan, recommends infill mixed-use future land use along the Midland Avenue and E. Third Street corridors (p.60-62).

The staff agrees that the proposed zone change application is in agreement with the Comprehensive Plan and the East End Small Area Plan for this site for the following reasons: mixed-use future land use is recommended and the applicant is proposing three mixed-use structures; the Plan encourage a diversity of housing that is affordable and accessible and the applicant proposes about 130 dwelling units, some designated for senior living; the Comprehensive Plan calls for accessible community facilities and employment opportunities for all, and the applicant is proposing a community space for area senior citizens, a greenhouse and multiple business opportunities that respects and enhances the residential neighborhoods of the East End; and the proposed mixed-use project will help to improve the gateway into the East End and downtown Lexington.

The staff would note that a extensive discussion was had about extending B-2A zoning to Third Street in this vicinity, because the proposed zone would not be contiguous to another downtown business zone. The staff reviewed the Small Area Plan and the Downtown Master Plan, and determined that both corridors are envisioned to be thriving corridors with a mixture of land uses, urban design, and density so that the area can regain its dynamic. The staff opines that Third Street and Midland Avenue have historically been the "edge" of downtown and the B-2 zones offer a lot of design and land use flexibility for the applicant. That being said, since the proposed B-2A zone is not contiguous to another downtown business zone and the Charles Young Community Center and park (recently listed on the National Register of Historic Places) are located to the immediate northwest, conditional zoning restrictions are necessary for the triangle site. Likewise, the staff recommends restrictions for the Third Street site, similar to those established for other nearby neighborhood business zoning.

A traffic impact study was required by the Zoning Ordinance for the proposed development. A separate staff report, prepared by the Transportation Planning staff in the Metropolitan Planning Organization (MPO), will be presented at the public hearing for this case. Several dimensional variances have also been requested with the proposed rezoning and will also be addressed with a separate staff report.

The Staff Recommends: Approval, for the following reasons:

1. The requested Neighborhood Business (B-1) zone and Downtown Frame Business (B-2A) zone are in agreement with the 2013 Comprehensive Plan and the East End Small Area Plan, an adopted element of the Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of the 2013 Comprehensive Plan recommend expanded housing choices (Theme A, Goal #1); support infill and redevelopment as a strategic component of growth and identify areas of opportunity for infill that respects the area's context and design features (Theme A, Goal #2 and #2a); provide well-designed neighborhoods and communities, including mixed-use and mixed type housing and multi-modal transportation networks (Theme A, Goal #3); support and showcase local assets to further the creation of a variety of jobs (Theme C, Goal # 1); attract the world's finest jobs, encourage entrepreneurial spirit, and enhance our ability to recruit and retain our workforce (Theme C, Goal #2); provide for accessible

- community services to meet the health, safety and quality of life of residents and visitors (Theme D, Goal #2); and uphold the Urban Service Area concept (Theme E, Goal #1).
- b. East End Small Area Plan goals and objectives recommend to: create housing that is affordable, accessible and attractive to a diverse range of people (#2); promote new commercial development to create a mix of uses that respects and enhances the residential neighborhoods of the East End (#3); create a neighborhood where daily needs can be met by walking, cycling or transit (#5); ensure compatibility and encourage a complimentary relationship between adjacent land uses through strong urban design (#7); protect and enhance personal health and the environment (#9); and grow a locally based economy that offers opportunities to all residents (#12).
 - c. The SAP, as well as the Downtown Master Plan that preceded it in 2007, recommends infill mixed-use future land use along the Midland Avenue and E. Third Street corridors (p.60-62).
 - d. The proposed zone change and land uses meet these goals and objectives in that the petitioner is proposing three mixed-use structures; about 130 dwelling units, some designated for senior living; a community space for area senior citizens, a greenhouse and multiple business opportunities that respects and enhances the residential neighborhoods of the East End; and the project will help to improve the gateway into the East End and downtown Lexington.
 - e. The subject properties are located at a principal intersection that is a gateway into downtown. The proposed business zoning will help meet the vision to create a thriving, and dynamic corridor with a mixture of land uses, urban design, and density.
 - f. The proposed B-2A zone is located within the area commonly and historically thought of as "downtown Lexington," and restrictions will ensure compatibility with surrounding land uses, especially the Charles Young Community Center.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-000015: Community Ventures Properties, LLC, 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 subject properties:
 - a. **B-2A Zone – Prohibited Uses:**
 1. Establishments for the display, rental or sale of automobiles, motorcycles, trucks, farm equipment, or boats or supplies for such vehicles.
 2. Minor automobile and truck repair.
 3. Pawnshops.
 4. Wholesale establishments.
 5. Any type of adult entertainment, adult arcades, massage parlors, adult video stores and adult bookstores.
 6. Passenger transportation terminals (does not include bus stops).
 7. Drive-through facilities.
 - b. **B-1 Zone – Prohibited Uses:**
 1. Automobile service stations, automobile and vehicle refueling stations, and/or gas pumps.
 2. Repair of household appliances, other than computers or electronics.
 3. Outdoor miniature golf or putting courses.
 4. Circuses or carnivals, even on a temporary basis.
 5. Indoor theaters and arcades, including pinball and electronic games.
 6. Drive-through facilities.
 7. Establishments for the retail or package sale of liquor, beer or wine.

These use restrictions are necessary and appropriate for the subject properties in order to ensure compliance with the 2013 Comprehensive Plan and East End Small Area Plan, and to better protect the surrounding neighborhood and the Charles Young Community Center.