

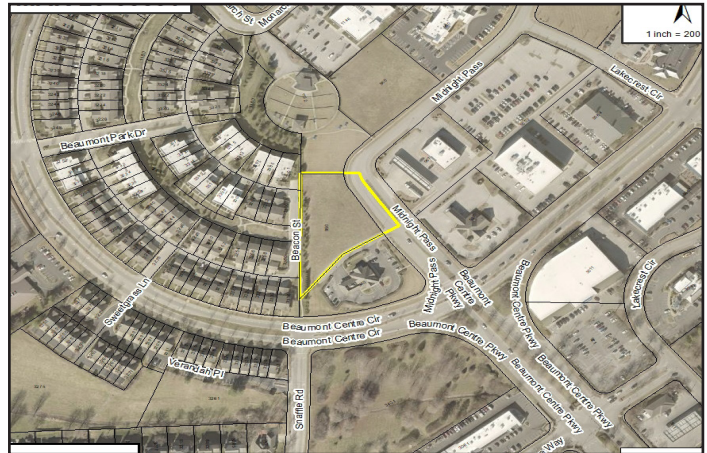
STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-23-00001: PALOLO, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change:	From a Highway Service Business (B-3) zone To a Wholesale and Warehouse Business (B-4) zone
Acreage:	1.16 net (1.60 gross) acres
Location:	950 Midnight Pass

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-3	Vacant
To North	B-3	Park
To East	B-3	Gas Station / Bank
To South	B-3	Bank
To West	R-3	Townhomes



URBAN SERVICE REPORT

Roads - The subject property is located within Beaumont Centre Circle, which forms a ring road within the Beaumont Farm development – northwest of the Harrodsburg Road (US 68) interchange with New Circle Road (KY 4). Beaumont Centre Parkway, a wide boulevard, connects this ring road to Harrodsburg Road, and provides access to the existing commercial uses on either side. The subject property has frontage along Midnight Pass, a local road that provides access across the southeast and center portion of Beaumont Centre Circle.

Curb/Gutter/Sidewalks - Curb, gutter and sidewalk facilities have been constructed along Midnight Pass.

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

Storm Sewers - The subject property is located within the South Elkhorn Creek watershed. Storm sewers are currently located on this portion of the subject property and there are no FEMA Special Flood Hazard Areas or environmentally sensitive areas on the subject property, or within the immediate vicinity.

Sanitary Sewers - The subject site is located within the South Elkhorn sewershed. Sanitary sewer treatment is provided by the West Hickman Wastewater Treatment facility in northern Jessamine County for properties within this portion of the Urban Service Area. 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. However, supplemental service by private refuse haulers is commonly utilized for commercial land uses, such as those proposed on the associated development plan.

Police - The nearest police station is the West Sector Roll Call Center, located on Old Frankfort Pike at its interchange with New Circle Road, a little more than three miles to the northwest of the subject property.

Fire/Ambulance - The nearest fire station (#20) is located just ¼ mile south of this location across Harrodsburg Road, at the corner of Harrodsburg Road and Arrowhead Drive.

Transit - LexTran service is available within the immediate area at the Beaumont Centre Circle. Inbound and outbound service is available for the South Broadway Route (#13) and the night Versailles Road Route (#58) less than ¼ mile southeast of the subject property.

Parks - There are two parks within proximity of the development. Directly adjacent to the subject property is the Moondance Amphitheater, which will be enhanced with playground equipment in the near future. Harrods Hill Park is also a ½ mile of walking distance west of the subject property.

SUMMARY OF REQUEST

The applicant is seeking to rezone the subject property from a Highway Service Business (B-3) zone to the Wholesale and Warehouse Business (B-4) zone in an effort to construct a four-story self-storage warehouse.

PLACE-TYPE

REGIONAL
CENTER

A Regional Center is a vibrant hub of commerce, employment, diverse housing opportunities, and entertainment. They include larger buildings with active ground levels, intentional open spaces, & walkable transportation networks, all to provide the user/resident with a unique experience. It is often located at major intersections & along primary corridors.

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 intended primarily for wholesaling, warehousing, storage operations and establishments whose activity is of the same general character as the above. To a lesser extent, this zone is also intended to provide for the mixture of professional offices and warehouses that promote reuse and redevelopment of older warehouses, allowing businesses to combine their entire operation in one (1) building, as recommended for the Office/Warehouse Land Use Category in the Comprehensive Plan. This zone is also intended to encourage the adaptive reuse of older structures to promote revitalization of these buildings, and the flexible use of sites. The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs.

PROPOSED USE



The petitioner proposes the rezoning of the subject property to a restricted Wholesale and Warehouse Business (B-4) zone within Beaumont Centre to allow for the construction of a four-story, climatized self-storage warehouse.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant held a neighborhood meeting with the property owners from the Beaumont Centre area on February 9th. The applicant followed the meeting with email communications with specific members of the community to discuss their concerns and questions regarding the proposed project. The applicant should describe some the results of the meeting with the Planning Commission at future committee meetings.

PROPERTY & ZONING HISTORY



The subject property was originally part of the Beaumont Farm, a large agricultural operation south of New Circle Road. The property was added to the Urban Service Area in 1962. During the comprehensive rezoning of the City and the County in 1969, the property was rezoned from the Agricultural District (A-1) zone to the Agricultural Urban (A-U) zone. Despite being within the Urban Service Area, the property did not seek urbanized zoning until 1989 when 664.32 acres were proposed to be rezoned from the A-U zone to the R-1C, R-1D, R-3, R-4, P-1, B-3, and B-6P zones in a large planned development (Ord. No. 157-90; MAR 89-42 CZ). Following extensive work between the applicant and staff the Beaumont farm was rezoned, leading to the creation of the Beaumont Centre development, Harrods Hill neighborhood, and numerous other developments south and west of New Circle Road. During the 1989 rezoning the subject property and the surrounding parcels were rezoned from the A-U zone to the Professional Office (P-1) zone, in an effort to create a cohesive office development within the center of the commercial development.

Prior to the adoption of the 1996 Comprehensive Plan, a sub-committee was formed, consisting of neighborhood residents representing the nearest neighborhood association in the area at the time; Planning Commission members; Planning staff; the developer of the property; attorneys and design professionals. Its purpose was to discuss future development within the Beaumont area. The group met from late 1995 to early 1996, and a lengthy report (with recommendations) was forwarded to the Planning Commission at its conclusion. That ended a two-year period where the amount of commercial acreage that should be provided in the Beaumont Farm development was reviewed in detail by the Planning Commission. In 2005, this consideration of the needed commercial development was revisited by the developer, when approximately $\frac{1}{3}$ of the land inside Beaumont Centre Circle, including the subject property, was requested to be rezoned to a restricted B-3 (Ord. No. 140-2005; MAR 2005-11), despite disapproval recommendations from the Planning Commission and the staff, the Urban County Council approved the map amendment. Despite the rezoning to the B-3 zone, much of the commercial area remained unbuilt leading to a 2014 zone change to modify the conditional zoning restrictions that were applied by the Council (Ord. No. 121-2014; MAR 2014-15). The modified restrictions continued to prohibit some uses, but allowed the establishment of car washing establishments, garden centers, kennels, animal hospital or clinics, offices of veterinarians, hotels and/or motels, drive-in restaurants, restaurants with drive-through facilities, drug stores, supermarkets, discount stores, automobile service stations (and convenience stores), business colleges, technical or trade schools, private schools for academic instruction, truck rental businesses, carnivals (on a temporary basis), outdoor theatres, and minor automobile and truck repair when not accessory to an automobile service station.

COMPREHENSIVE PLAN COMPLIANCE



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 the proposed rezoning for the subject property is in agreement with the 2018 Comprehensive Plan.

GOALS, OBJECTIVES, & POLICIES

The applicant opines that they are in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. The applicant indicates that the proposed rezoning and associated development will infill a current vacant portion of property and respect the context and design features of areas surrounding the project by meeting the established Beaumont Development Guidelines, a non-governmental development document that guides development in the area (Theme A, Goal #2.a and b; Theme E, Goal 1.d). The applicant indicates that by working with the Beaumont Center New Construction Committee, a private committee established by the Haymaker Development Group that reviews new development, they can achieve a well-designed neighborhood that allows a mixture of uses within Beaumont Centre (Theme A, Goal #3). Additionally, the applicant highlights that they will be seeking to incorporate increased tree canopy, and ground floor activation to enhance the frontage along Midnight Pass (Theme A, Goal #3.b).



While the applicant discusses the activation of the frontage and the agreement with the overall character of the area, staff has concerns with how this is being met with the proposed development. Per the submitted elevations, the applicant is depicting a large flat structure, with limited fenestration and no changes in articulation, which creates a domineering wall frontage that is not in character with the surrounding commercial or residential development.

Additionally, staff is concerned with the incorporation of such a use within an area that has been focused on providing services and economic opportunity for the community (Theme C, Goal #1). While self-storage warehousing can provide a convenience within the Urban County, the Comprehensive Plan calls for the development of jobs within our vacant and underutilized land. Self-storage warehousing does not incorporate many jobs, nor does the use generate secondary activity that would attract individuals to the area, which was the goal established with the initial rezoning of the Beaumont Farm.

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 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 Regional Center Place-Type and is a Medium Density Non-Residential Development Type. The Regional Center Place-Type is a vibrant hub of commerce, employment, diverse housing opportunities, and entertainment. They include larger buildings with active ground levels, intentional open spaces, and walkable transportation networks, all to provide the user/resident with a unique experience. It is often located at major intersections and along primary corridors. The proposed development is planned to be located within the Beaumont Center Development, which blends commercial and residential land uses to generate a more holistic regional development that also serves the needs of adjacent residences. Staff agrees with the applicant's assessment of the proposed Regional Center Place-Type.

Additionally, the applicant is seeking to apply the Medium Density Non-Residential / Mixed Use Development Type, which is recommended within the Regional Center Neighborhood Place-Type and is meant to be comprised of community-serving commercial uses, services, places of employment, and/or a mix of uses within mid-rise structures with a higher floor area ratio (FAR). The applicant has proposed the development of a four-story climatized self-storage warehouse with an associated FAR of 1.58. The applicant indicates that the proposed development would include a convenience for the surrounding development and throughout Lexington. Staff agrees that the Medium Density Non-Residential / Mixed-Use Development Type can be appropriate for the subject property, but does have concerns as to the applicant's associated Development Criteria and the proposed zoning.

The applicant has requested the rezoning of the property to the Wholesale and Warehouse Business (B-4) zone. This zone is not a recommended zone associated with the Regional Center Place-Type. However, with an adequate justification the applicant can request a different zone. The applicant indicates that a restricted B-4 zone (prohibiting Laundry, clothes cleaning or dyeing shops; Ice plant; Machine shop; Kennels, animal hospitals or clinics; Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats or supplies for such items; Truck terminals and freight yards; Establishments for the display and sale of precut, prefabricated or shell homes; Carnivals; Retail sale of building materials and lumber; Pawnshops; Shredding, sorting and baling of paper scrap and storage of waste paper; Any self-storage facility on the premises shall not have outdoor storage, and shall not have direct access to the outdoors from individual units) is an appropriate zone for the property as the current restricted B-3 zoning is not a recommended zone within the area. Additionally, they state that by utilizing many of the site design recommendations described in the



Placebuilder element of the Comprehensive Plan, they are able to ensure that the restricted B-4 zone and the specific use can be a natural fit into Beaumont Center.

When reviewing the appropriateness of the incorporation of a zone that is not recommended by the Comprehensive Plan, the staff reviews the specific intent statements of the zones themselves. The B-4 zone specifically calls for review of the relationship of this zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs. While the street system is constructed in a way to handle traffic of variable sizes, the association with adjacent zoning and land uses concerns staff. The property is adjacent to a large residential development to the west, and a public park to the north. Each of these uses represent a significant decrease in intensity of land use in comparison to the proposed zone, even with the proposed conditional zoning restrictions. Additionally, along the east and south portions of the property, the zoning is a restricted B-3 zone and are operating as banks. While the applicant has a proposed use that would add a convenience in the area, the other allowable uses within the B-4 zone can be more nuisance producing, as they incorporate shops of specialty trade, which allows some manufacturing and production. Furthermore, while the B-3 zone is not recommended the intent of that zone is to provide for retail and other uses, which are necessary to the economic vitality of the community, but may be inappropriate in other zones. While the B-3 zone is restricted in this area, many of the uses can provide services to the surrounding community and have greater job producing opportunities than the applicant's proposed development.

Staff recommends disapproval of the proposed rezoning as the B-4 zone is not a recommended zone in the Regional Center Place-Type and Medium Density Non-Residential / Mixed Use Development Type. The proposed rezoning could introduce potential nuisance producing uses in an area of residential and commercial development

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 2018 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 Regional Center Place-Type and Medium Density Residential Development Type.

1. Site Design, Building Form and Location

Despite compliance with some of the criteria for Site Design, Building Form and Location, there are several criteria that warrant further discussion.

A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.

A-DS5-4 Development should provide a pedestrian-oriented and activated ground level.

The applicant has submitted renderings that depict a monolithic structure with little amount of fenestration. The building frontage does not activate the front wall plane in a way to create a pedestrian-friendly atmosphere. Additionally, the applicant is not providing clear access to the frontage of the property, but is orienting the access to the side and rear of the property.

C-DI1-1 Consider flexible zoning options that will allow for a wide range of jobs.

The applicant is proposing a zone that limits the mixture of uses on the property and is proposing a use that does not produce a high level of jobs.

E-GR10-2 Developments should provide walkable service and amenity-oriented commercial spaces.

The proposed use is an auto-centric use and provides a singular service.

2. Transportation and Pedestrian

The application meets the criteria for Transportation and Pedestrian, as the applicant is seeking to provide a development that includes parking to the side and rear of the property, and are making direct connections to public right-of-way.



3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage through additional VUA screening, landscaping islands, and the requirements of the B-4 zone, when adjacent to residential development.

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



1. The requested rezoning to the restricted Wholesale and Warehouse Business (B-4) zone is not in agreement with the 2018 Comprehensive Plan for the following reasons:
 - a. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan.
 1. The proposed development does not activate the front wall plan of the structure, which creates a domineering wall frontage that is not in character with the surrounding commercial or residential development (Theme A, Goal #2.b).
 2. The proposed development does not provide a pedestrian first design and development (Theme D, Goal #1.a) and the proposed use is autocentric in nature.
 3. The proposed development does not encourage creating jobs and prosperity (Theme C), rather the proposed self-storage facility will generate very few jobs in support of this policy.
 - b. The Wholesale and Warehouse Business (B-4) zone is not a recommended zone in the Regional Center Place-Type and Medium Density Non-Residential / Mixed Use Development Type. The proposed rezoning could introduce potential nuisance producing uses in an area of residential and commercial development.
 - c. The requested rezoning is not in agreement with the Development Criteria of the 2018 Comprehensive Plan. The following Development Criteria are not being met with the proposed rezoning.
 1. A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 2. A-DS5-4 Development should provide a pedestrian-oriented and activated ground level.
 3. C-DI1-1 Consider flexible zoning options that will allow for a wide range of jobs.
 4. E-GR10-2 Developments should provide walkable service and amenity-oriented commercial spaces.
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 applicant has not provided a justification regarding the inappropriateness of the restricted Highway Service Business (B-3) zone and the appropriateness of the Wholesale and Warehouse Business (B-4) zone. Staff concludes that the restricted Highway Service Business (B-3) zone remains appropriate for the subject property, because it is consistent and compatible with the existing development of the Beaumont Centre Development.