

AN ORDINANCE CHANGING THE ZONE FROM A WHOLESALE & WAREHOUSE BUSINESS (B-4) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 1.24 NET (1.44 GROSS) ACRES; FOR PROPERTY LOCATED AT 1108 SOUTH BROADWAY. (GREER LAND COMPANY (AMD.); COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on September 24, 2015, a petition for a zoning ordinance map amendment for property located at 1108 South Broadway from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 1.24 net (1.44 gross) acres; was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 9-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 1108 South Broadway from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 1.24 net (1.44 gross) acres; being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: November 5, 2015

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: November 12, 2015

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Rec'd by _____

Date: _____

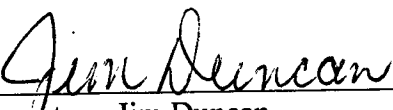
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: MAR 2015-19: GREER LAND COMPANY (AMD.) – amended petition for a zone map amendment from a Wholesale & Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 1.24 net (1.44 gross) acres, for property located at 1108 South Broadway. (Council District 3)

Having considered the above matter on **September 24, 2015**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The proposed zone change to a Neighborhood Business (B-1) zone for 1108 South Broadway 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 providing neighborhood-oriented land uses and orienting the proposed structure to Simpson Avenue.
 - 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 will provide support or service uses in the area that is compatible with the nearby residential neighborhoods.
2. The requested Neighborhood Business (B-1) zone is appropriate for this location and the existing B-4 zone is inappropriate because of the property's location in proximity to existing residential areas. More neighborhood-oriented business uses not only serve the nearby residential area, but also provide a superior land use buffer to the neighborhood.
3. This recommendation is made subject to the approval and certification of **ZDP 2015-79: Riddell Plaza, Lot 3 (Parker 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.

ATTEST: This 9th day of October, 2015.


 Secretary, Jim Duncan

MIKE OWENS
 CHAIR

Note: The corollary development plan, **ZDP 2015-79: Riddell Plaza, Lot 3 (Parker Property)**, was approved by the Planning Commission on September 24, 2015, and certified on October 8, 2015.

K.R.S. 100.211(7) requires that the Council take action on this request by December 23, 2015.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Matt Carter, engineer**.

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Berkley, Brewer, Cravens, Drake, Mundy, Owens, Plumlee, Richardson, Wilson

NAYS: (0)

ABSENT: (2) Penn, Smith

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **MAR 2015-19 (AMD.)** carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting

MAR 2015-19

AMENDMENT RECEIVED: 9/24/15
Date Received 8/3/15

Pre-Application Date 7/27/15

Filing Fee \$490⁰⁰

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

(AMENDED)

1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)

APPLICANT: Greer Land Company 866 Malabu Drive, STE. 250, Lexington, KY 40513

OWNER: Willstone LLC C/O The Gibson Company
1050 Monarch Street, Unit 200
LEXINGTON, KY 40513

ATTORNEY: N/A

2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)

1100 & 1108 South Broadway

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed—same format.)

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-1	Vacant	B-3	Commercial	0.35	0.56
B-4	Warehouse	B-3 B-1	Commercial	1.24	1.44
Total				1.59	2.00

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Retail / Commercial	B-1 / B-3
East	Retail / Commercial / High Density Residential	B-1 / R-4
South	Commercial / Professional Office / High Density Res.	B-1 / P-1 / B-4 / R-4
West	Commercial / Retail	B-1 / B-3

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved? YES NO

b. Have any such dwelling units been present on the subject property in the past 12 months? YES NO

c. Are these units currently occupied by households earning under 40 % of the median income?
If yes, how many units? _____ houses are vacant
If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing. YES NO
_____ Units

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided.)

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
Utilities	<input checked="" type="checkbox"/> Electric	<input checked="" type="checkbox"/> Gas	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable

7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)

This is in... In agreement with the Comp. Plan more appropriate than the existing zoning due to unanticipated changes.

8. APPLICANT/OWNER SIGNS THIS CERTIFICATION

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am OWNER or HOLDER of an agreement to purchase this property since _____.

APPLICANT *[Signature]* DATE 8-3-15

OWNER _____ DATE _____

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

Section 7: Justification for Requested Change

The requested zone change to Highway Service Business (B-3) Zone consists of 2.00 Acres (Gross), 1.59 Acres (Net). Currently the property is zoned as follows; 0.56 Acres (Gross), 0.35 Acres (Net) Neighborhood Business (B-1) Zone located at 1100 South Broadway; and 1.44 Acres (Gross), 1.24 Acres (Net) Wholesale and Warehouse Business (B-4) Zone located at 1108 South Broadway.

The proposed development is bounded on two sides by public streets. To the North West, this development fronts along South Broadway Street, a principal arterial for approximately 180 LF and runs from South Broadway to the South East. To the North East, this development fronts along Simpson Avenue for approximately 400 LF.

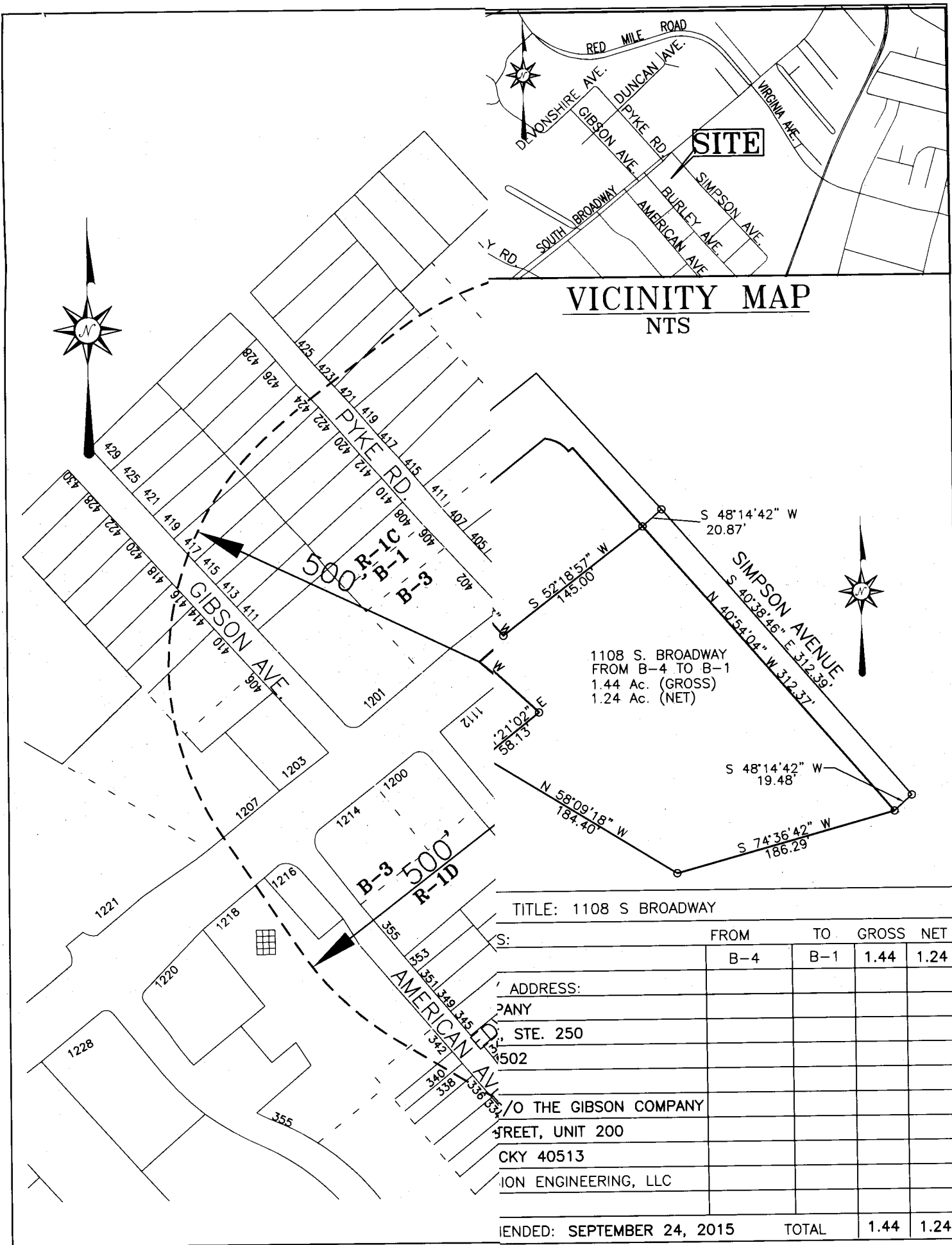
The requested Zone Change is more appropriate than the current Zone Change due to the location of the property fronting along South Broadway (US 68), an Urban Principal Arterial Street with an ADT of 31,700 Trips per day. The applicant wishes to combine the zone on both properties into a single Highway Service Business (B-3) Zone making them one cohesive development more suitably compatible with properties fronting along a busy arterial street. South Broadway could be characterized as a mix of many zones in the general vicinity of this development. Zones fronting along South Broadway include R-4, B-1, B-3, B-4, B-5P and P-1. Considering the classification of roadway and the ADT, this development would be appropriately zoned if it were a Highway Service Business (B-3) Zone.

Formerly the property located at 1100 South Broadway was a convenience store / gas station. It has since been demolished and currently sits vacant. The rear property located at 1108 South Broadway currently is occupied by a 18,000 SF warehouse building. This building will be demolished and a new 14,000 SF retail building will be constructed in its place. The retail space will include a convenience store with a gas pump island.

The proposed development will not adjoin any residential zones. To the South West, the property adjoins Professional Office P-1 and Neighborhood Business B-1 uses. To the North East and across Simpson Avenue, the property adjoins retail uses in a Neighborhood Business B-1 Zone.

An additional bonus for granting this zone change will be meeting one of the Goals and Objectives of the 2013 Comprehensive Plan Theme C, Goal 1, Objective A. By redeveloping the existing properties with retail uses, we will continue to employ and grow employment opportunities for people living in the general vicinity. Not only will this development provide jobs and careers for some, it will provide a place to work within walking distance of houses and apartments where they live. This all being part of a successful community concept.

We are requesting approval of the zone change for the following reasons.



VICINITY MAP
NTS

TITLE: 1108 S BROADWAY

S:	FROM		TO		GROSS	NET
	B-4	B-1	B-4	B-1		
ADDRESS:						
PANY						
STE. 250						
502						
TO THE GIBSON COMPANY						
STREET, UNIT 200						
CKY 40513						
ION ENGINEERING, LLC						
ENDED: SEPTEMBER 24, 2015		TOTAL			1.44	1.24

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2015-19: GREER LAND COMPANY

DESCRIPTION

Zone Change:	<u>REQUEST</u>		<u>ACREAGE</u>	
	<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
	B-1	B-3	0.35	0.56
	B-4	B-3	1.24	1.44
	TOTAL		1.59	2.00

Location: 1100 & 1108 South Broadway

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	B-1 & B-4	Vacant & Warehouse
To North	B-1 & B-3	Businesses & Vacant
To East	B-1 & R-4	Restaurant, Shopping Center & Multi-family Residential
To South	P-1 & B-4	Professional Office & Warehouses
To West	B-1 & P-1	Retail Sales Establishment & Professional Office

URBAN SERVICES REPORT

Roads – The site is bounded by South Broadway along its western boundary and by Simpson Avenue along its northern boundary. The South Broadway/Harrodsburg Road (US 68) corridor is a five-lane major arterial roadway in this vicinity and carries approximately 32,000 daily vehicle trips. Simpson Avenue is a local street that extends from South Broadway toward the east and terminates at the CSX Railroad line. Proposed access to the site is primarily from South Broadway, with two secondary access points along Simpson Avenue.

Curb/Gutter/Sidewalks – South Broadway was constructed with curb, gutter and sidewalk facilities. Simpson Avenue does have curb and gutters, but is lacking sidewalks along the subject properties.

Storm Sewers – The subject properties are located within the Wolf Run watershed. Storm sewers exist in this portion of the Urban Service Area, and will most likely be adequate to handle the proposed redevelopment at this location. Additional on-site stormwater facilities may be required by the LFUCG Engineering Stormwater Manuals, given recent flooding on one of the properties (although there is no designated FEMA special flood hazard area), and existing stormwater issues within this portion of the Wolf Run watershed associated with the Vaughn's Branch tributary.

Sanitary Sewers – The subject properties are located within the Wolf Run sewershed, and are served by the Town Branch Sewage Treatment Facility, which is located on Lisle Industrial Road, just inside of New Circle Road. Sanitary sewer capacity will need to be verified prior to certification of the final development plan for the proposed redevelopment through the Capacity Assurance Program (CAP).

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 by the petitioner.

Police – The subject properties are located within the West Sector, and are served by the West Sector Roll Call Center, which is located on Old Frankfort Pike, more than 2 miles to the northwest of the subject properties. The downtown Police Headquarters is also in close proximity, about 1½ miles to northeast on East Main Street.

Fire/Ambulance – The nearest fire station (#11) is located approximately ½ mile to the southwest on Harrodsburg Road, between St. Joseph Hospital and Picadome Elementary School.

Utilities – All utilities, including gas, electric, water, phone, and cable TV are 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 petitioner proposes to redevelop the site with a gas station, convenience store and two retail sales establishments for a total of 14,000 square feet of space.

CASE REVIEW

The petitioner has requested a zone change from a Neighborhood Business (B-1) zone and a Wholesale and Warehouse Business (B-4) zone for 1.59 acres of property at 1100 and 1108 South Broadway.

The subject site is comprised of two parcels located at the southwestern corner of the intersection of South Broadway and Simpson Avenue, just south of the South Broadway Place Shopping Center. The parcel along South Broadway (1100) is currently zoned Neighborhood Business (B-1), and was previously occupied by a convenience store and gas station; however, the parcel is now vacant. The second parcel, located along Simpson Avenue (1108), also has about 35 feet of frontage along South Broadway. It is currently occupied by an 18,000 square-foot warehouse, associated off-street parking and loading areas, as well as a tributary of Wolf Run Creek.

The South Broadway/Harrodsburg Road corridor is predominantly commercial in nature within the immediate vicinity of the proposed zone change. The South Broadway Place Shopping Center is located across Simpson Avenue to the east of the subject site; a warehouse development adjoins the site to the south; professional offices, an AT&T retail store, and an off-street parking lot are located to the west, and across South Broadway is the Gatehouse commercial building and the vacant former site of The Rag Peddler, a fabric and interior decorating store. Further to the southeast, along Simpson Avenue, are several multi-family residential developments that are primarily occupied by University of Kentucky students. The property at 1108 South Broadway was rezoned in 1976 from an R-1D and B-1 zone to the existing B-4 zone to permit the warehouse to be constructed.

The petitioner proposes the rezoning in order to redevelop property with a convenience store/gas station along the South Broadway frontage, and two retail establishments along the Simpson Avenue frontage of the subject properties. The proposed Highway Services Business (B-3) zone permits the proposed land uses, as does the existing B-1 zone of 1100 South Broadway. The B-3 zone also permits a more flexible front yard, as well as some of the more intense land uses within the Urban County.

The 2013 Comprehensive Plan no longer makes a specific land use recommendation for the subject properties, but rather directs the Planning Commission to consider planning policies and the Goals and Objectives of the Plan for guidance when considering zone change requests. Although more flexible, the Comprehensive Plan does not specifically address modest or minor changes in commercial land use, but speaks to general compatibility and encouraging development that is context-sensitive in nature. The petitioner contends that they are developing a variety of job opportunities for people living in the general vicinity (Theme C, Goal #1.a.), but the staff does not believe that that alone constitutes agreement with the Comprehensive Plan.

The petitioner also contends that the proposed rezoning is appropriate and the existing zoning is inappropriate, in support of their request for the rezoning. First, the proposed B-3 zone is designed for the community's most highly traveled corridors, including the South Broadway/Harrodsburg Road

corridor, and B-3 zoning is fairly common within the immediate vicinity along with B-1, B-4 and B-6P zoning (but not adjoining the subject properties). Second, the petitioner wishes for the entire parcel to be within one zoning category. While these are reasonable statements, the applicant provides no justification for why the existing zoning is inappropriate at this site, specifically the B-1 zone. The B-1 zone allows the proposed land uses and the planned setback of 14 feet along Simpson Avenue (for the structure proposed to replace the warehouse). In addition, the petitioner has not requested a variance to reduce the yard requirements along Simpson Avenue in order to meet the Zoning Ordinance requirements of the B-3 zone. The staff is also not supportive of the structure's orientation to the interior of the lot, rather than providing neighborhood-oriented commercial that places its front to the street.

It is the staff's opinion that the B-1 zone is more compatible and more consistent with the character of the immediate area than the B-3 zone in this case. Also, the B-1 would provide a less intense buffer to the neighborhood in this location than the B-3 zone. The staff believes that the petitioner should reconsider their requested rezoning and its associated zoning development plan.

The Staff Recommends: Postponement, for the following reasons:

1. The requested rezoning to a Highway Service Business (B-3) zone is not in agreement with the 2013 Comprehensive Plan. Although more flexible, the Comprehensive Plan does not specifically address modest or minor changes in commercial land use. The petitioner contends that they are developing a variety of job opportunities for people living in the general vicinity (Theme C, Goal #1.a.), but that alone does not constitute agreement with the Comprehensive Plan.
2. Although the petitioner contends that the proposed B-3 zone is appropriate, they have not provided a justification for why the existing zoning is inappropriate at this site, specifically the B-1 zone that exists along the South Broadway corridor. Based on one of the new buildings proposed, the B-1 zone is more appropriate to facilitate the proposed development.
3. The petitioner has not requested any variances to the yard requirements along Simpson Avenue, as would be necessary for the currently submitted corollary zoning development plan.

TLWBJR/WLS

9/2/15

Planning Services/Staff Reports//MAR/2015/MAR2015-19.doc

SUPPLEMENTAL STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

MAR 2015-19: GREER LAND COMPANY (AMD.)

CASE REVIEW

The petitioner has requested, as of the date of this report, a zone change from a Neighborhood Business (B-1) zone and a Wholesale and Warehouse Business (B-4) zone for 1.59 acres of property at 1100 and 1108 South Broadway. The original request was for a Highway Service Business (B-3) zone. This morning, the applicant informed the Division of Planning staff that they wish to amend their request to seek a Neighborhood Business (B-1) zone for a portion of this development.

As stated in the original staff report, it is the staff's opinion that the B-1 zone is more compatible and more consistent with the character of the immediate area than the B-3 zone originally proposed by the applicant. Also, the B-1 zone would provide a better land use buffer to the neighborhood in this location than would the B-3 zone. Based on the applicant's withdrawal of the zone change for 1100 South Broadway and the request for a zone change to a B-1 zone for the remaining property at 1108 South Broadway, the staff offers the following alternative findings for approval:

The Staff Recommends: Withdrawal of the portion of the application for 1100 South Broadway, and Approval of a Neighborhood Business (B-1) zone for a portion of the application for 1108 South Broadway, for the following reasons:

1. The requested rezoning to a Highway Service Business (B-3) zone at 1100 South Broadway is not in agreement with the 2013 Comprehensive Plan and the Neighborhood Business (B-1) zone remains an appropriate zone at this location.
2. The proposed zone change to a Neighborhood Business (B-1) zone for 1108 South Broadway 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 providing neighborhood-oriented land uses and orienting the proposed structure to Simpson Avenue.
 - 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 will provide support or service uses in the area that is compatible with the nearby residential neighborhoods.
3. The requested Neighborhood Business (B-1) zone is appropriate for this location and the existing B-4 zone is inappropriate because of the property's location in proximity to existing residential areas. More neighborhood-oriented business uses can not only serve the nearby residential area, but also provide a superior land use buffer to the neighborhood.
4. This recommendation is made subject to the approval and certification of ZDP 2015-79: Riddell Plaza, Lot 3 (Parker 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.

TLWBJR/WLS

9/2/15, 9/24/15 rev

Planning Services/Staff Reports//MAR/2015/MAR 2015-19 amd rev.doc

1. **GREER LAND COMPANY ZONING MAP AMENDMENT & RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) ZONING DEVELOPMENT PLAN**

- a. **MAR 2015-19: GREER LAND COMPANY (11/1/15)*** - petition for a zone map amendment from a Neighborhood Business (B-1) zone and a Wholesale & Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone, for 1.59 net (2.00 gross) acres, for property located at 1100 & 1108 South Broadway.

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 petitioner proposes to redevelop the site with a gas station, convenience store and two retail sales establishments, for a total of 14,000 square feet of space.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Postponement, for the following reasons:

1. The requested rezoning to a Highway Service Business (B-3) zone is not in agreement with the 2013 Comprehensive Plan. Although more flexible, the Comprehensive Plan does not specifically address modest or minor changes in commercial land use. The petitioner contends that they are developing a variety of job opportunities for people living in the general vicinity (Theme C, Goal #1.a.), but that alone does not constitute agreement with the Comprehensive Plan.
 2. Although the petitioner contends that the proposed B-3 zone is appropriate, they have not provided a justification for why the existing zoning is inappropriate at this site, specifically the B-1 zone that exists along the South Broadway corridor. Based on one of the new buildings proposed, the B-1 zone is more appropriate to facilitate the proposed development.
 3. The petitioner has not requested any variances to the yard requirements along Simpson Avenue, as would be necessary for the currently submitted corollary zoning development plan.
- b. **ZDP 2015-79: RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) (11/1/15)*** - located at 1100 and 1108 South Broadway.
(Vision Engineering)

The Staff Recommends: Approval, subject to the following requirements:

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.

Amendment of Application: Matt Carter, Vision Engineering, was present representing the petitioner. He stated that the petitioner would like to amend this rezoning application in order to remove 1100 South Broadway from the application and to rezone 1108 South Broadway to B-1, instead of to a B-3 zone.

Action: A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Penn and Smith absent) to accept the amendment to this application, in order to rezone 1108 South Broadway to B-1.

Zoning Presentation: Ms. Wade presented this rezoning request, noting that the petitioner's original application was for two parcels. Following the amendment to the application, the petitioner is now only requesting to rezone 1108 South Broadway from B-4 to B-1. The subject property has approximately 35' of frontage on South Broadway, with its primary frontage along Simpson Avenue. Ms. Wade briefly oriented the Commission to the location of the property, adding that other uses in the immediate vicinity include a small shopping center across Simpson Avenue, which is part of a larger shopping center to the northeast; a new AT&T store which has frontage adjacent to the subject property along South Broadway; some Professional Office uses on Burley Avenue; an additional warehouse, to the southeast; and the Burley/American Avenue neighborhood to the south. The nearby neighborhood is primarily single-family residential in character, but there have been some zone changes to R-4 (multi-family land use) in recent years. South Broadway is primarily commercial in this area, with a mix of B-1, B-3, B-6P, and B-4 zoning.

Ms. Wade displayed the following photographs of the subject property: 1) an aerial view, noting the existing warehouse building, which has its rear side facing Simpson Avenue; 2) a view of the existing warehouse, with parking along the frontage and a parking lot and tributary of Wolf Run Creek to the rear of the property; 3) a view of the exist-

* - Denotes date by which Commission must either approve or disapprove request.

ing parking lot from the interior of the property toward South Broadway, noting the backup of stormwater due to recent heavy rains; 4) a view of the detention area at the rear of the property; and 5) a view of the adjacent warehouse along Simpson Avenue.

Ms. Wade stated that the petitioner is proposing to rezone the subject property in order to develop a convenience store and gas station with frontage along South Broadway, and two retail establishments in the same building along Simpson Avenue. The proposed B-1 zone does allow all of those uses. The subject property was rezoned from a Single-Family zone in 1976 to the existing B-4 zone.

With regard to the recommendations of the 2013 Comprehensive Plan, Ms. Wade said that it does not make specific land use recommendations, or include policy statements about changes from one business zone to another. The petitioner contends that the proposed B-1 zoning is in agreement with the Comprehensive Plan; the staff agrees that it is in agreement with the Goals & Objectives that recommend identifying areas of opportunity for infill, redevelopment and adaptive reuse that is context-sensitive to the area; and providing job opportunities for people living in the immediate vicinity. The petitioner is proposing a neighborhood-oriented land use, with orientation to Simpson Avenue, in a location near an existing residential development. Ms. Wade stated that it is the staff's opinion that the B-1 zone is more compatible and consistent in this area of South Broadway than the existing B-4 zone, and that it provides a better buffer than the previously requested B-3 zone would for the established residential neighborhood to the southeast. The staff is recommending withdrawal of the application for 1100 South Broadway, and approval of the rezoning to B-1 for 1108 South Broadway, for the following reasons:

The Staff Recommends: Withdrawal of the portion of the application for 1100 South Broadway, and Approval of a Neighborhood Business (B-1) zone for a portion of the application for 1108 South Broadway, for the following reasons:

1. The requested rezoning to a Highway Service Business (B-3) zone at 1100 South Broadway is not in agreement with the 2013 Comprehensive Plan, and the Neighborhood Business (B-1) zone remains an appropriate zone at this location.
2. The proposed zone change to a Neighborhood Business (B-1) zone for 1108 South Broadway 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 providing neighborhood-oriented land uses and orienting the proposed structure to Simpson Avenue.
 - 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 will provide support or service uses in the area that is compatible with the nearby residential neighborhoods.
3. The requested Neighborhood Business (B-1) zone is appropriate for this location, and the existing B-4 zone is inappropriate because of the property's location in proximity to existing residential areas. More neighborhood-oriented business uses can not only serve the nearby residential area, but also provide a superior land use buffer to the neighborhood.
4. This recommendation is made subject to the approval and certification of ZDP 2015-79: Riddell Plaza, Lot 3 (Parker 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.

Ms. Wade added that finding #1 is not required if the withdrawal of the portion of the application for 1100 South Broadway was part of the petitioner's request for amendment.

Development Plan Presentation: Mr. Martin presented the corollary zoning development plan, explaining that the petitioner is proposing to use the existing South Broadway access to the property, as well as two accesses on Simpson Avenue. This plan has been revised; the original version depicted an access point closer to the South Broadway/Simpson Avenue intersection. The petitioner also addressed the orientation of the building to Simpson Avenue, based on the staff's concern at the Subdivision and Zoning Committee meetings three weeks ago. The staff was concerned about the presentation of the buildings to Simpson Avenue, including the area between the building and the right-of-way. The revised plan now depicts that area as a sidewalk, rather than a loading zone as depicted on the previous plan. Mr. Martin noted that this is a preliminary development plan; at the time of the Final Development Plan, the staff will initiate discussions about the façade of the building, and other aspects of its presentation to Simpson Avenue.

Mr. Martin stated that the petitioner is proposing to construct just over 13,000 square feet, with each of the retail spaces containing just over 4,000 square feet of floor area. The plan includes 63 parking spaces to serve the commercial uses, including a detention area in the rear of the property. Following the Subdivision Committee meeting, the petitioner revised the dumpster location slightly in order to provide for easier access. Mr. Martin stated that the petitioner is aware that there are existing stormwater issues in the vicinity of the subject property, and that the problems will have to be resolved according to the requirements of the Stormwater Manual at the Final Development Plan stage. The proposed detention on the subject property should help to address the issue, but additional work may be

* - Denotes date by which Commission must either approve or disapprove request.

necessary in the easement area. Mr. Martin indicated that the staff is confident that the problem can be addressed at the time of the Final Development Plan. He said that the staff is recommending approval, subject to the four conditions as listed on the agenda, modifying condition #1 to reflect the B-1 zone rather than the B-3 zone.

Commission Question: Mr. Owens stated that the area in front of the building on Simpson Avenue appeared to be marked as parking spaces. Mr. Martin answered that the area is labeled as a 20' sidewalk, which should be a nice feature in a pedestrian-oriented area.

Petitioner Representation: Mr. Carter stated that the petitioner is in agreement with the four conditions, and he requested approval.

Zoning Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 9-0 (Penn and Smith absent) to approve MAR 2015-19, as previously amended, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 9-0 (Penn and Smith absent) to approve ZDP 2015-79, subject to the four conditions as listed on the agenda, changing #1 to refer to the B-1 zone.

Rec'd by _____

Date: _____


RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **MAR 2015-19: GREER LAND COMPANY (AMD.)** – amended petition for a zone map amendment from a Wholesale & Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 1.24 net (1.44 gross) acres, for property located at 1108 South Broadway. (Council District 3)

Having considered the above matter on **September 24, 2015**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The proposed zone change to a Neighborhood Business (B-1) zone for 1108 South Broadway 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 providing neighborhood-oriented land uses and orienting the proposed structure to Simpson Avenue.
 - 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 will provide support or service uses in the area that is compatible with the nearby residential neighborhoods.
2. The requested Neighborhood Business (B-1) zone is appropriate for this location and the existing B-4 zone is inappropriate because of the property's location in proximity to existing residential areas. More neighborhood-oriented business uses can not only serve the nearby residential area, but also provide a superior land use buffer to the neighborhood.
3. This recommendation is made subject to the approval and certification of **ZDP 2015-79: Riddell Plaza, Lot 3 (Parker 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.

ATTEST: This 9th day of October, 2015.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, **ZDP 2015-79: Riddell Plaza, Lot 3 (Parker Property)**, was approved by the Planning Commission on September 24, 2015, and certified on October 8, 2015.

K.R.S. 100.211(7) requires that the Council take action on this request by December 23, 2015.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Matt Carter, engineer**.

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Berkley, Brewer, Cravens, Drake, Mundy, Owens, Plumlee, Richardson, Wilson

NAYS: (0)

ABSENT: (2) Penn, Smith

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **MAR 2015-19 (AMD.)** carried.

Enclosures: Application
 Plat
 Staff Report
 Applicable excerpts of minutes of above meeting

MAR 2015-19

AMENDMENT RECEIVED: 9/24/15
Date Received 8/3/15

Pre-Application Date 7/27/15

Filing Fee \$490.00

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

(AMENDED)

1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)

APPLICANT: Greer Land Company 866 Malabu Drive, STE. 250, Lexington, KY 40513

OWNER: Willstone LLC C/O The Gibson Company
1050 Monarch Street, Unit 200
LEXINGTON, KY 40513

ATTORNEY: N/A

2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)

1100 & 1108 South Broadway

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed—same format.)

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-1	Vacant	B-3	Commercial	0.35	0.56
B-4	Warehouse	B-3 B-1	Commercial	1.24	1.44
				Total	2.00

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Retail / Commercial	B-1 / B-3
East	Retail / Commercial / High Density Residential	B-1 / R-4
South	Commercial / Professional Office / High Density Res.	B-1 / P-1 / B-4 / R-4
West	Commercial / Retail	B-1 / B-3

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved? YES NO

b. Have any such dwelling units been present on the subject property in the past 12 months? YES NO

c. Are these units currently occupied by households earning under 40 % of the median income?
If yes, how many units? _____ houses are vacant YES NO
If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing. _____ Units

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided.)

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
Utilities	<input checked="" type="checkbox"/> Electric	<input checked="" type="checkbox"/> Gas	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable

7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)

This is in... In agreement with the Comp. Plan more appropriate than the existing zoning due to unanticipated changes.

8. APPLICANT/OWNER SIGNS THIS CERTIFICATION

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am OWNER or HOLDER of an agreement to purchase this property since _____.

APPLICANT *[Signature]* DATE 8-3-15

OWNER _____ DATE _____

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

Section 7: Justification for Requested Change

The requested zone change to Highway Service Business (B-3) Zone consists of 2.00 Acres (Gross), 1.59 Acres (Net). Currently the property is zoned as follows; 0.56 Acres (Gross), 0.35 Acres (Net) Neighborhood Business (B-1) Zone located at 1100 South Broadway; and 1.44 Acres (Gross), 1.24 Acres (Net) Wholesale and Warehouse Business (B-4) Zone located at 1108 South Broadway.

The proposed development is bounded on two sides by public streets. To the North West, this development fronts along South Broadway Street, a principal arterial for approximately 180 LF and runs from South Broadway to the South East. To the North East, this development fronts along Simpson Avenue for approximately 400 LF.

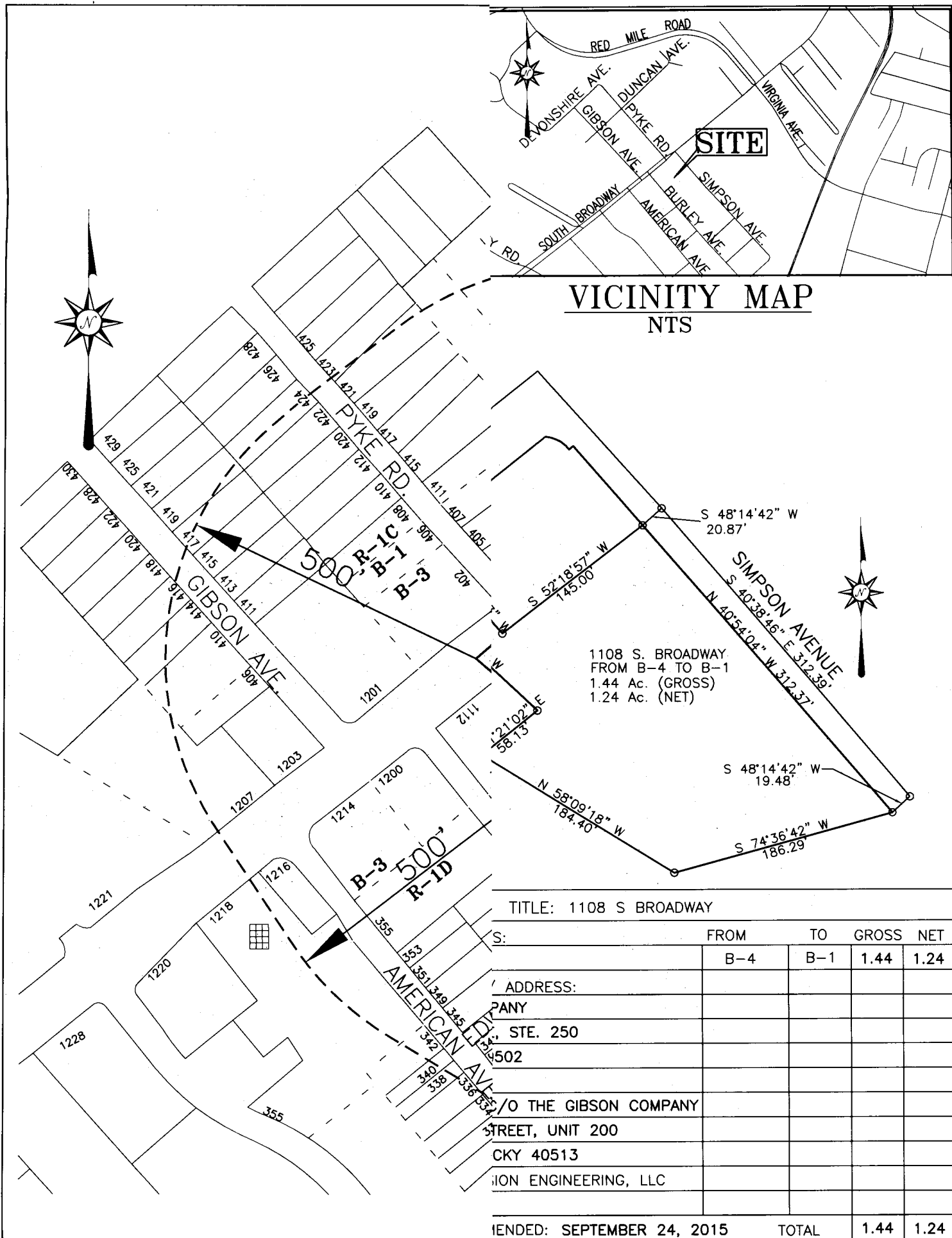
The requested Zone Change is more appropriate than the current Zone Change due to the location of the property fronting along South Broadway (US 68), an Urban Principal Arterial Street with an ADT of 31,700 Trips per day. The applicant wishes to combine the zone on both properties into a single Highway Service Business (B-3) Zone making them one cohesive development more suitably compatible with properties fronting along a busy arterial street. South Broadway could be characterized as a mix of many zones in the general vicinity of this development. Zones fronting along South Broadway include R-4, B-1, B-3, B-4, B-5P and P-1. Considering the classification of roadway and the ADT, this development would be appropriately zoned if it were a Highway Service Business (B-3) Zone.

Formerly the property located at 1100 South Broadway was a convenient store / gas station. It has since been demolished and currently sits vacant. The rear property located at 1108 South Broadway currently is occupied by a 18,000 SF warehouse building. This building will be demolished and a new 14,000 SF retail building will be constructed in its place. The retail space will include a convenience store with a gas pump island.

The proposed development will not adjoin any residential zones. To the South West, the property adjoins Professional Office P-1 and Neighborhood Business B-1 uses. To the North East and across Simpson Avenue, the property adjoins retail uses in a Neighborhood Business B-1 Zone.

An additional bonus for granting this zone change will be meeting one of the Goals and Objectives of the 2013 Comprehensive Plan Theme C, Goal 1, Objective A. By redeveloping the existing properties with retail uses, we will continue to employ and grow employment opportunities for people living in the general vicinity. Not only will this development provide jobs and careers for some, it will provide a place to work within walking distance of houses and apartments where they live. This all being part of a successful community concept.

We are requesting approval of the zone change for the following reasons.



VICINITY MAP
NTS

TITLE: 1108 S BROADWAY

S:	FROM	TO	GROSS NET	
			1.44	1.24
	B-4	B-1	1.44	1.24
ADDRESS:				
PANY				
STE. 250				
502				
/O THE GIBSON COMPANY				
STREET, UNIT 200				
CKY 40513				
ION ENGINEERING, LLC				
ENDED: SEPTEMBER 24, 2015	TOTAL		1.44	1.24

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2015-19: GREER LAND COMPANY

DESCRIPTION

Zone Change:	<u>REQUEST</u>		<u>ACREAGE</u>	
	<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
	B-1	B-3	0.35	0.56
	B-4	B-3	<u>1.24</u>	<u>1.44</u>
	TOTAL		1.59	2.00

Location: 1100 & 1108 South Broadway

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	B-1 & B-4	Vacant & Warehouse
To North	B-1 & B-3	Businesses & Vacant
To East	B-1 & R-4	Restaurant, Shopping Center & Multi-family Residential
To South	P-1 & B-4	Professional Office & Warehouses
To West	B-1 & P-1	Retail Sales Establishment & Professional Office

URBAN SERVICES REPORT

Roads – The site is bounded by South Broadway along its western boundary and by Simpson Avenue along its northern boundary. The South Broadway/Harrodsburg Road (US 68) corridor is a five-lane major arterial roadway in this vicinity and carries approximately 32,000 daily vehicle trips. Simpson Avenue is a local street that extends from South Broadway toward the east and terminates at the CSX Railroad line. Proposed access to the site is primarily from South Broadway, with two secondary access points along Simpson Avenue.

Curb/Gutter/Sidewalks – South Broadway was constructed with curb, gutter and sidewalk facilities. Simpson Avenue does have curb and gutters, but is lacking sidewalks along the subject properties.

Storm Sewers – The subject properties are located within the Wolf Run watershed. Storm sewers exist in this portion of the Urban Service Area, and will most likely be adequate to handle the proposed redevelopment at this location. Additional on-site stormwater facilities may be required by the LFUCG Engineering Stormwater Manuals, given recent flooding on one of the properties (although there is no designated FEMA special flood hazard area), and existing stormwater issues within this portion of the Wolf Run watershed associated with the Vaughn's Branch tributary.

Sanitary Sewers – The subject properties are located within the Wolf Run sewershed, and are served by the Town Branch Sewage Treatment Facility, which is located on Lisle Industrial Road, just inside of New Circle Road. Sanitary sewer capacity will need to be verified prior to certification of the final development plan for the proposed redevelopment through the Capacity Assurance Program (CAP).

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 by the petitioner.

Police – The subject properties are located within the West Sector, and are served by the West Sector Roll Call Center, which is located on Old Frankfort Pike, more than 2 miles to the northwest of the subject properties. The downtown Police Headquarters is also in close proximity, about 1½ miles to northeast on East Main Street.

Fire/Ambulance – The nearest fire station (#11) is located approximately ½ mile to the southwest on Harrodsburg Road, between St. Joseph Hospital and Picadome Elementary School.

Utilities – All utilities, including gas, electric, water, phone, and cable TV are 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 petitioner proposes to redevelop the site with a gas station, convenience store and two retail sales establishments for a total of 14,000 square feet of space.

CASE REVIEW

The petitioner has requested a zone change from a Neighborhood Business (B-1) zone and a Wholesale and Warehouse Business (B-4) zone for 1.59 acres of property at 1100 and 1108 South Broadway.

The subject site is comprised of two parcels located at the southwestern corner of the intersection of South Broadway and Simpson Avenue, just south of the South Broadway Place Shopping Center. The parcel along South Broadway (1100) is currently zoned Neighborhood Business (B-1), and was previously occupied by a convenience store and gas station; however, the parcel is now vacant. The second parcel, located along Simpson Avenue (1108), also has about 35 feet of frontage along South Broadway. It is currently occupied by an 18,000 square-foot warehouse, associated off-street parking and loading areas, as well as a tributary of Wolf Run Creek.

The South Broadway/Harrodsburg Road corridor is predominantly commercial in nature within the immediate vicinity of the proposed zone change. The South Broadway Place Shopping Center is located across Simpson Avenue to the east of the subject site; a warehouse development adjoins the site to the south; professional offices, an AT&T retail store, and an off-street parking lot are located to the west; and across South Broadway is the Gatehouse commercial building and the vacant former site of The Rag Peddler, a fabric and interior decorating store. Further to the southeast, along Simpson Avenue, are several multi-family residential developments that are primarily occupied by University of Kentucky students. The property at 1108 South Broadway was rezoned in 1976 from an R-1D and B-1 zone to the existing B-4 zone to permit the warehouse to be constructed.

The petitioner proposes the rezoning in order to redevelop property with a convenience store/gas station along the South Broadway frontage, and two retail establishments along the Simpson Avenue frontage of the subject properties. The proposed Highway Services Business (B-3) zone permits the proposed land uses, as does the existing B-1 zone of 1100 South Broadway. The B-3 zone also permits a more flexible front yard, as well as some of the more intense land uses within the Urban County.

The 2013 Comprehensive Plan no longer makes a specific land use recommendation for the subject properties, but rather directs the Planning Commission to consider planning policies and the Goals and Objectives of the Plan for guidance when considering zone change requests. Although more flexible, the Comprehensive Plan does not specifically address modest or minor changes in commercial land use, but speaks to general compatibility and encouraging development that is context-sensitive in nature. The petitioner contends that they are developing a variety of job opportunities for people living in the general vicinity (Theme C, Goal #1.a.), but the staff does not believe that that alone constitutes agreement with the Comprehensive Plan.

The petitioner also contends that the proposed rezoning is appropriate and the existing zoning is inappropriate, in support of their request for the rezoning. First, the proposed B-3 zone is designed for the community's most highly traveled corridors, including the South Broadway/Harrodsburg Road

corridor, and B-3 zoning is fairly common within the immediate vicinity along with B-1, B-4 and B-6P zoning (but not adjoining the subject properties). Second, the petitioner wishes for the entire parcel to be within one zoning category. While these are reasonable statements, the applicant provides no justification for why the existing zoning is inappropriate at this site, specifically the B-1 zone. The B-1 zone allows the proposed land uses and the planned setback of 14 feet along Simpson Avenue (for the structure proposed to replace the warehouse). In addition, the petitioner has not requested a variance to reduce the yard requirements along Simpson Avenue in order to meet the Zoning Ordinance requirements of the B-3 zone. The staff is also not supportive of the structure's orientation to the interior of the lot, rather than providing neighborhood-oriented commercial that places its front to the street.

It is the staff's opinion that the B-1 zone is more compatible and more consistent with the character of the immediate area than the B-3 zone in this case. Also, the B-1 would provide a less intense buffer to the neighborhood in this location than the B-3 zone. The staff believes that the petitioner should reconsider their requested rezoning and its associated zoning development plan.

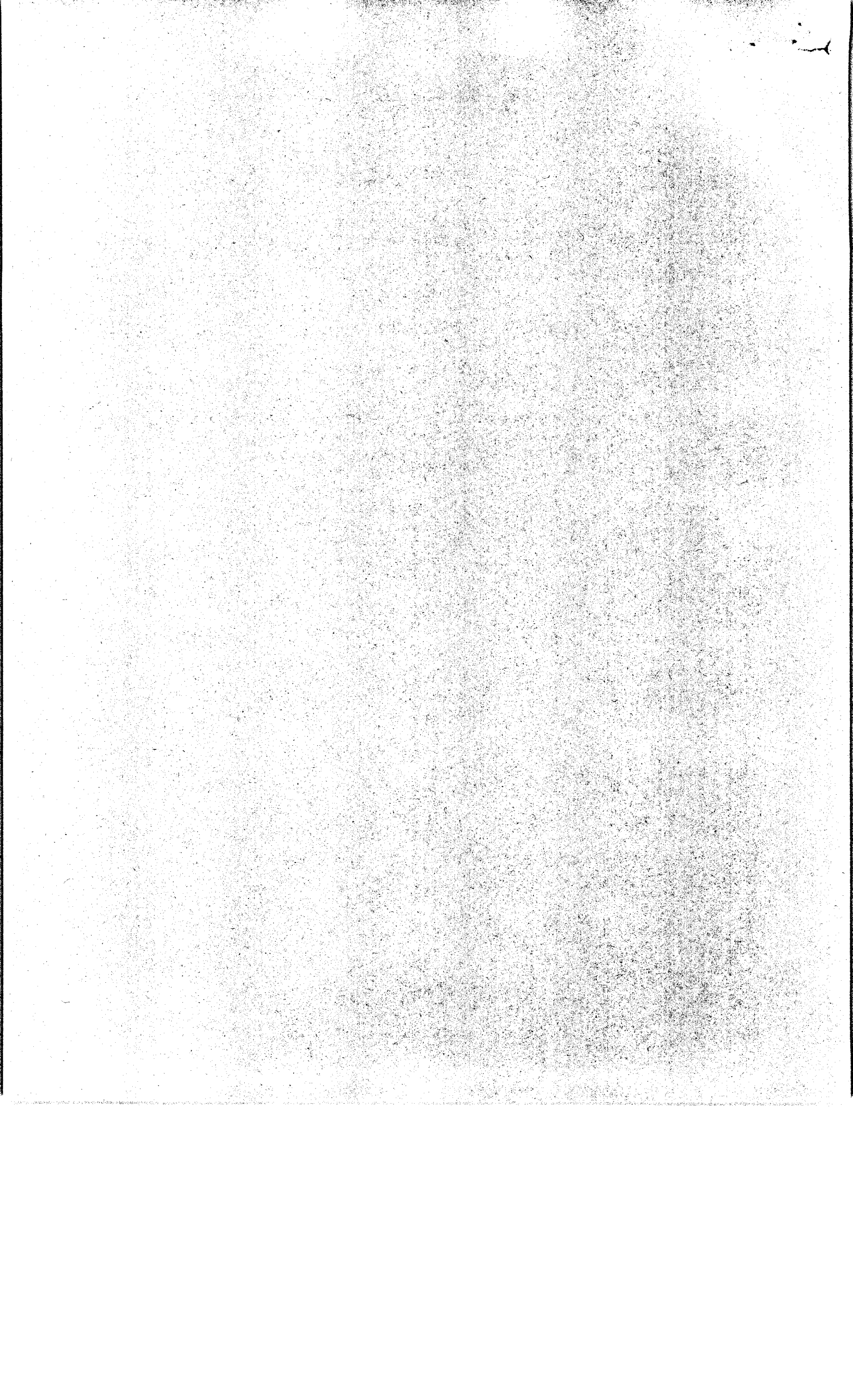
The Staff Recommends: Postponement, for the following reasons:

1. The requested rezoning to a Highway Service Business (B-3) zone is not in agreement with the 2013 Comprehensive Plan. Although more flexible, the Comprehensive Plan does not specifically address modest or minor changes in commercial land use. The petitioner contends that they are developing a variety of job opportunities for people living in the general vicinity (Theme C, Goal #1.a.), but that alone does not constitute agreement with the Comprehensive Plan.
2. Although the petitioner contends that the proposed B-3 zone is appropriate, they have not provided a justification for why the existing zoning is inappropriate at this site, specifically the B-1 zone that exists along the South Broadway corridor. Based on one of the new buildings proposed, the B-1 zone is more appropriate to facilitate the proposed development.
3. The petitioner has not requested any variances to the yard requirements along Simpson Avenue, as would be necessary for the currently submitted corollary zoning development plan.

TLWBJR/WLS

9/2/15

Planning Services/Staff Reports/MAR/2015/MAR2015-19.doc



SUPPLEMENTAL STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

MAR 2015-19: GREER LAND COMPANY (AMD.)

CASE REVIEW

The petitioner has requested, as of the date of this report, a zone change from a Neighborhood Business (B-1) zone and a Wholesale and Warehouse Business (B-4) zone for 1.59 acres of property at 1100 and 1108 South Broadway. The original request was for a Highway Service Business (B-3) zone. This morning, the applicant informed the Division of Planning staff that they wish to amend their request to seek a Neighborhood Business (B-1) zone for a portion of this development.

As stated in the original staff report, it is the staff's opinion that the B-1 zone is more compatible and more consistent with the character of the immediate area than the B-3 zone originally proposed by the applicant. Also, the B-1 zone would provide a better land use buffer to the neighborhood in this location than would the B-3 zone. Based on the applicant's withdrawal of the zone change for 1100 South Broadway and the request for a zone change to a B-1 zone for the remaining property at 1108 South Broadway, the staff offers the following alternative findings for approval:

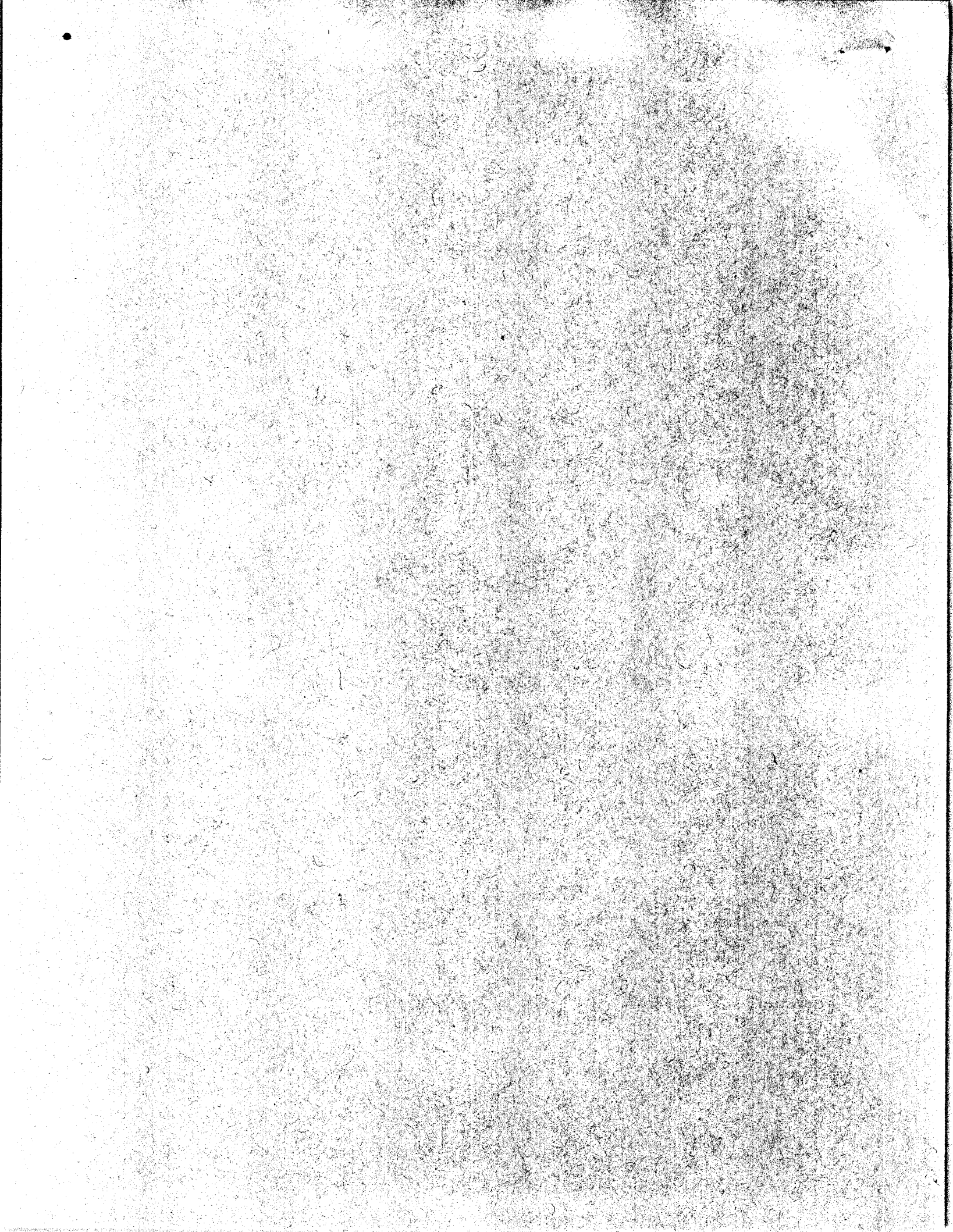
The Staff Recommends: Withdrawal of the portion of the application for 1100 South Broadway, and Approval of a Neighborhood Business (B-1) zone for a portion of the application for 1108 South Broadway, for the following reasons:

1. The requested rezoning to a Highway Service Business (B-3) zone at 1100 South Broadway is not in agreement with the 2013 Comprehensive Plan and the Neighborhood Business (B-1) zone remains an appropriate zone at this location.
2. The proposed zone change to a Neighborhood Business (B-1) zone for 1108 South Broadway 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 providing neighborhood-oriented land uses and orienting the proposed structure to Simpson Avenue.
 - 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 will provide support or service uses in the area that is compatible with the nearby residential neighborhoods.
3. The requested Neighborhood Business (B-1) zone is appropriate for this location and the existing B-4 zone is inappropriate because of the property's location in proximity to existing residential areas. More neighborhood-oriented business uses can not only serve the nearby residential area, but also provide a superior land use buffer to the neighborhood.
4. This recommendation is made subject to the approval and certification of ZDP 2015-79: Riddell Plaza, Lot 3 (Parker 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.

TLWBJR/WLS

9/2/15, 9/24/15 rev

Planning Services/Staff Reports//MAR/2015/MAR 2015-19 amd rev.doc



1. **GREER LAND COMPANY ZONING MAP AMENDMENT & RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) ZONING DEVELOPMENT PLAN**

- a. **MAR 2015-19: GREER LAND COMPANY (11/1/15)*** - petition for a zone map amendment from a Neighborhood Business (B-1) zone and a Wholesale & Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone, for 1.59 net (2.00 gross) acres, for property located at 1100 & 1108 South Broadway.

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 petitioner proposes to redevelop the site with a gas station, convenience store and two retail sales establishments, for a total of 14,000 square feet of space.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Postponement, for the following reasons:

1. The requested rezoning to a Highway Service Business (B-3) zone is not in agreement with the 2013 Comprehensive Plan. Although more flexible, the Comprehensive Plan does not specifically address modest or minor changes in commercial land use. The petitioner contends that they are developing a variety of job opportunities for people living in the general vicinity (Theme C, Goal #1.a.), but that alone does not constitute agreement with the Comprehensive Plan.
 2. Although the petitioner contends that the proposed B-3 zone is appropriate, they have not provided a justification for why the existing zoning is inappropriate at this site, specifically the B-1 zone that exists along the South Broadway corridor. Based on one of the new buildings proposed, the B-1 zone is more appropriate to facilitate the proposed development.
 3. The petitioner has not requested any variances to the yard requirements along Simpson Avenue, as would be necessary for the currently submitted corollary zoning development plan.
- b. **ZDP 2015-79: RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) (11/1/15)*** - located at 1100 and 1108 South Broadway. **(Vision Engineering)**

The Staff Recommends: Approval, subject to the following requirements:

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.

Amendment of Application: Matt Carter, Vision Engineering, was present representing the petitioner. He stated that the petitioner would like to amend this rezoning application in order to remove 1100 South Broadway from the application and to rezone 1108 South Broadway to B-1, instead of to a B-3 zone.

Action: A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Penn and Smith absent) to accept the amendment to this application, in order to rezone 1108 South Broadway to B-1.

Zoning Presentation: Ms. Wade presented this rezoning request, noting that the petitioner's original application was for two parcels. Following the amendment to the application, the petitioner is now only requesting to rezone 1108 South Broadway from B-4 to B-1. The subject property has approximately 35' of frontage on South Broadway, with its primary frontage along Simpson Avenue. Ms. Wade briefly oriented the Commission to the location of the property, adding that other uses in the immediate vicinity include a small shopping center across Simpson Avenue, which is part of a larger shopping center to the northeast; a new AT&T store which has frontage adjacent to the subject property along South Broadway; some Professional Office uses on Burley Avenue; an additional warehouse, to the south-east; and the Burley/American Avenue neighborhood to the south. The nearby neighborhood is primarily single-family residential in character, but there have been some zone changes to R-4 (multi-family land use) in recent years. South Broadway is primarily commercial in this area, with a mix of B-1, B-3, B-6P, and B-4 zoning.

Ms. Wade displayed the following photographs of the subject property: 1) an aerial view, noting the existing warehouse building, which has its rear side facing Simpson Avenue; 2) a view of the existing warehouse, with parking along the frontage and a parking lot and tributary of Wolf Run Creek to the rear of the property; 3) a view of the exist-

* - Denotes date by which Commission must either approve or disapprove request.

ing parking lot from the interior of the property toward South Broadway, noting the backup of stormwater due to recent heavy rains; 4) a view of the detention area at the rear of the property; and 5) a view of the adjacent warehouse along Simpson Avenue.

Ms. Wade stated that the petitioner is proposing to rezone the subject property in order to develop a convenience store and gas station with frontage along South Broadway, and two retail establishments in the same building along Simpson Avenue. The proposed B-1 zone does allow all of those uses. The subject property was rezoned from a Single-Family zone in 1976 to the existing B-4 zone.

With regard to the recommendations of the 2013 Comprehensive Plan, Ms. Wade said that it does not make specific land use recommendations, or include policy statements about changes from one business zone to another. The petitioner contends that the proposed B-1 zoning is in agreement with the Comprehensive Plan; the staff agrees that it is in agreement with the Goals & Objectives that recommend identifying areas of opportunity for infill, redevelopment and adaptive reuse that is context-sensitive to the area; and providing job opportunities for people living in the immediate vicinity. The petitioner is proposing a neighborhood-oriented land use, with orientation to Simpson Avenue, in a location near an existing residential development. Ms. Wade stated that it is the staff's opinion that the B-1 zone is more compatible and consistent in this area of South Broadway than the existing B-4 zone, and that it provides a better buffer than the previously requested B-3 zone would for the established residential neighborhood to the southeast. The staff is recommending withdrawal of the application for 1100 South Broadway, and approval of the rezoning to B-1 for 1108 South Broadway, for the following reasons:

The Staff Recommends: Withdrawal of the portion of the application for 1100 South Broadway, and Approval of a Neighborhood Business (B-1) zone for a portion of the application for 1108 South Broadway, for the following reasons:

1. The requested rezoning to a Highway Service Business (B-3) zone at 1100 South Broadway is not in agreement with the 2013 Comprehensive Plan, and the Neighborhood Business (B-1) zone remains an appropriate zone at this location.
2. The proposed zone change to a Neighborhood Business (B-1) zone for 1108 South Broadway 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 providing neighborhood-oriented land uses and orienting the proposed structure to Simpson Avenue.
 - 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 will provide support or service uses in the area that is compatible with the nearby residential neighborhoods.
3. The requested Neighborhood Business (B-1) zone is appropriate for this location, and the existing B-4 zone is inappropriate because of the property's location in proximity to existing residential areas. More neighborhood-oriented business uses can not only serve the nearby residential area, but also provide a superior land use buffer to the neighborhood.
4. This recommendation is made subject to the approval and certification of ZDP 2015-79: Riddell Plaza, Lot 3 (Parker 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.

Ms. Wade added that finding #1 is not required if the withdrawal of the portion of the application for 1100 South Broadway was part of the petitioner's request for amendment.

Development Plan Presentation: Mr. Martin presented the corollary zoning development plan, explaining that the petitioner is proposing to use the existing South Broadway access to the property, as well as two accesses on Simpson Avenue. This plan has been revised; the original version depicted an access point closer to the South Broadway/Simpson Avenue intersection. The petitioner also addressed the orientation of the building to Simpson Avenue, based on the staff's concern at the Subdivision and Zoning Committee meetings three weeks ago. The staff was concerned about the presentation of the buildings to Simpson Avenue, including the area between the building and the right-of-way. The revised plan now depicts that area as a sidewalk, rather than a loading zone as depicted on the previous plan. Mr. Martin noted that this is a preliminary development plan; at the time of the Final Development Plan, the staff will initiate discussions about the façade of the building, and other aspects of its presentation to Simpson Avenue.

Mr. Martin stated that the petitioner is proposing to construct just over 13,000 square feet, with each of the retail spaces containing just over 4,000 square feet of floor area. The plan includes 63 parking spaces to serve the commercial uses, including a detention area in the rear of the property. Following the Subdivision Committee meeting, the petitioner revised the dumpster location slightly in order to provide for easier access. Mr. Martin stated that the petitioner is aware that there are existing stormwater issues in the vicinity of the subject property, and that the problems will have to be resolved according to the requirements of the Stormwater Manual at the Final Development Plan stage. The proposed detention on the subject property should help to address the issue, but additional work may be

* - Denotes date by which Commission must either approve or disapprove request.

necessary in the easement area. Mr. Martin indicated that the staff is confident that the problem can be addressed at the time of the Final Development Plan. He said that the staff is recommending approval, subject to the four conditions as listed on the agenda, modifying condition #1 to reflect the B-1 zone rather than the B-3 zone.

Commission Question: Mr. Owens stated that the area in front of the building on Simpson Avenue appeared to be marked as parking spaces. Mr. Martin answered that the area is labeled as a 20' sidewalk, which should be a nice feature in a pedestrian-oriented area.

Petitioner Representation: Mr. Carter stated that the petitioner is in agreement with the four conditions, and he requested approval.

Zoning Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 9-0 (Penn and Smith absent) to approve MAR 2015-19, as previously amended, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 9-0 (Penn and Smith absent) to approve ZDP 2015-79, subject to the four conditions as listed on the agenda, changing #1 to refer to the B-1 zone.

* - Denotes date by which Commission must either approve or disapprove request.

Rec'd by LO
Date: 10/9/15

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **MAR 2015-19: GREER LAND COMPANY (AMD.)** – amended petition for a zone map amendment from a Wholesale & Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 1.24 net (1.44 gross) acres, for property located at 1108 South Broadway. (Council District 3)

Having considered the above matter on **September 24, 2015**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The proposed zone change to a Neighborhood Business (B-1) zone for 1108 South Broadway 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 providing neighborhood-oriented land uses and orienting the proposed structure to Simpson Avenue.
 - 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 will provide support or service uses in the area that is compatible with the nearby residential neighborhoods.
2. The requested Neighborhood Business (B-1) zone is appropriate for this location and the existing B-4 zone is inappropriate because of the property’s location in proximity to existing residential areas. More neighborhood-oriented business uses can not only serve the nearby residential area, but also provide a superior land use buffer to the neighborhood.
3. This recommendation is made subject to the approval and certification of **ZDP 2015-79: Riddell Plaza, Lot 3 (Parker 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.

ATTEST: This 9th day of October, 2015.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, **ZDP 2015-79: Riddell Plaza, Lot 3 (Parker Property)**, was approved by the Planning Commission on September 24, 2015, and certified on October 8, 2015.

K.R.S. 100.211(7) requires that the Council take action on this request by December 23, 2015.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Matt Carter, engineer**.

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Berkley, Brewer, Cravens, Drake, Mundy, Owens, Plumlee, Richardson, Wilson

NAYS: (0)

ABSENT: (2) Penn, Smith

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of MAR 2015-19 (AMD.) carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting

MAR 2015-19

AMENDMENT RECEIVED: 9/24/15
Date Received 8/3/15

Pre-Application Date 7/27/15

Filing Fee \$490.00

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

(AMENDED)

1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)

APPLICANT: Greer Land Company 866 Malabu Drive, STE. 250, Lexington, KY 40513

OWNER: Willstone LLC C/O The Gibson Company
1050 Monarch Street, Unit 200
LEXINGTON, KY 40513

ATTORNEY: N/A

2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)

1100 & 1108 South Broadway

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-1	Vacant	B-3	Commercial	0.35	0.56
B-4	Warehouse	B-3 B-1	Commercial	1.24	1.44
Total				1.59	2.00

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Retail / Commercial	B-1 / B-3
East	Retail / Commercial / High Density Residential	B-1 / R-4
South	Commercial / Professional Office / High Density Res.	B-1 / P-1 / B-4 / R-4
West	Commercial / Retail	B-1 / B-3

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved? YES NO

b. Have any such dwelling units been present on the subject property in the past 12 months? YES NO

c. Are these units currently occupied by households earning under 40 % of the median income?
If yes, how many units? _____ houses are vacant
If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing. YES NO
_____ Units

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided.)

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
Utilities	<input checked="" type="checkbox"/> Electric	<input checked="" type="checkbox"/> Gas	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable

7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)

This is in... In agreement with the Comp. Plan more appropriate than the existing zoning due to unanticipated changes.

8. APPLICANT/OWNER SIGNS THIS CERTIFICATION

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am OWNER or HOLDER of an agreement to purchase this property since _____.

APPLICANT *[Signature]* DATE 8-3-15

OWNER _____ DATE _____

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

Section 7: Justification for Requested Change

The requested zone change to Highway Service Business (B-3) Zone consists of 2.00 Acres (Gross), 1.59 Acres (Net). Currently the property is zoned as follows; 0.56 Acres (Gross), 0.35 Acres (Net) Neighborhood Business (B-1) Zone located at 1100 South Broadway; and 1.44 Acres (Gross), 1.24 Acres (Net) Wholesale and Warehouse Business (B-4) Zone located at 1108 South Broadway.

The proposed development is bounded on two sides by public streets. To the North West, this development fronts along South Broadway Street, a principal arterial for approximately 180 LF and runs from South Broadway to the South East. To the North East, this development fronts along Simpson Avenue for approximately 400 LF.

The requested Zone Change is more appropriate than the current Zone Change due to the location of the property fronting along South Broadway (US 68), an Urban Principal Arterial Street with an ADT of 31,700 Trips per day. The applicant wishes to combine the zone on both properties into a single Highway Service Business (B-3) Zone making them one cohesive development more suitably compatible with properties fronting along a busy arterial street. South Broadway could be characterized as a mix of many zones in the general vicinity of this development. Zones fronting along South Broadway include R-4, B-1, B-3, B-4, B-5P and P-1. Considering the classification of roadway and the ADT, this development would be appropriately zoned if it were a Highway Service Business (B-3) Zone.

Formerly the property located at 1100 South Broadway was a convenience store / gas station. It has since been demolished and currently sits vacant. The rear property located at 1108 South Broadway currently is occupied by a 18,000 SF warehouse building. This building will be demolished and a new 14,000 SF retail building will be constructed in its place. The retail space will include a convenience store with a gas pump island.

The proposed development will not adjoin any residential zones. To the South West, the property adjoins Professional Office P-1 and Neighborhood Business B-1 uses. To the North East and across Simpson Avenue, the property adjoins retail uses in a Neighborhood Business B-1 Zone.

An additional bonus for granting this zone change will be meeting one of the Goals and Objectives of the 2013 Comprehensive Plan Theme C, Goal 1, Objective A. By redeveloping the existing properties with retail uses, we will continue to employ and grow employment opportunities for people living in the general vicinity. Not only will this development provide jobs and careers for some, it will provide a place to work within walking distance of houses and apartments where they live. This all being part of a successful community concept.

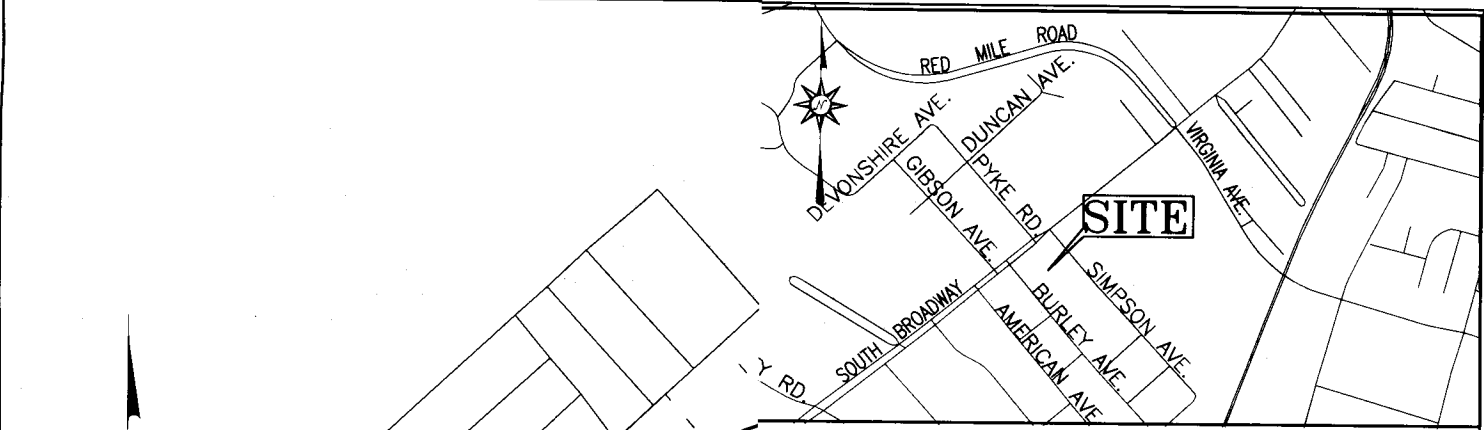
We are requesting approval of the zone change for the following reasons.

The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

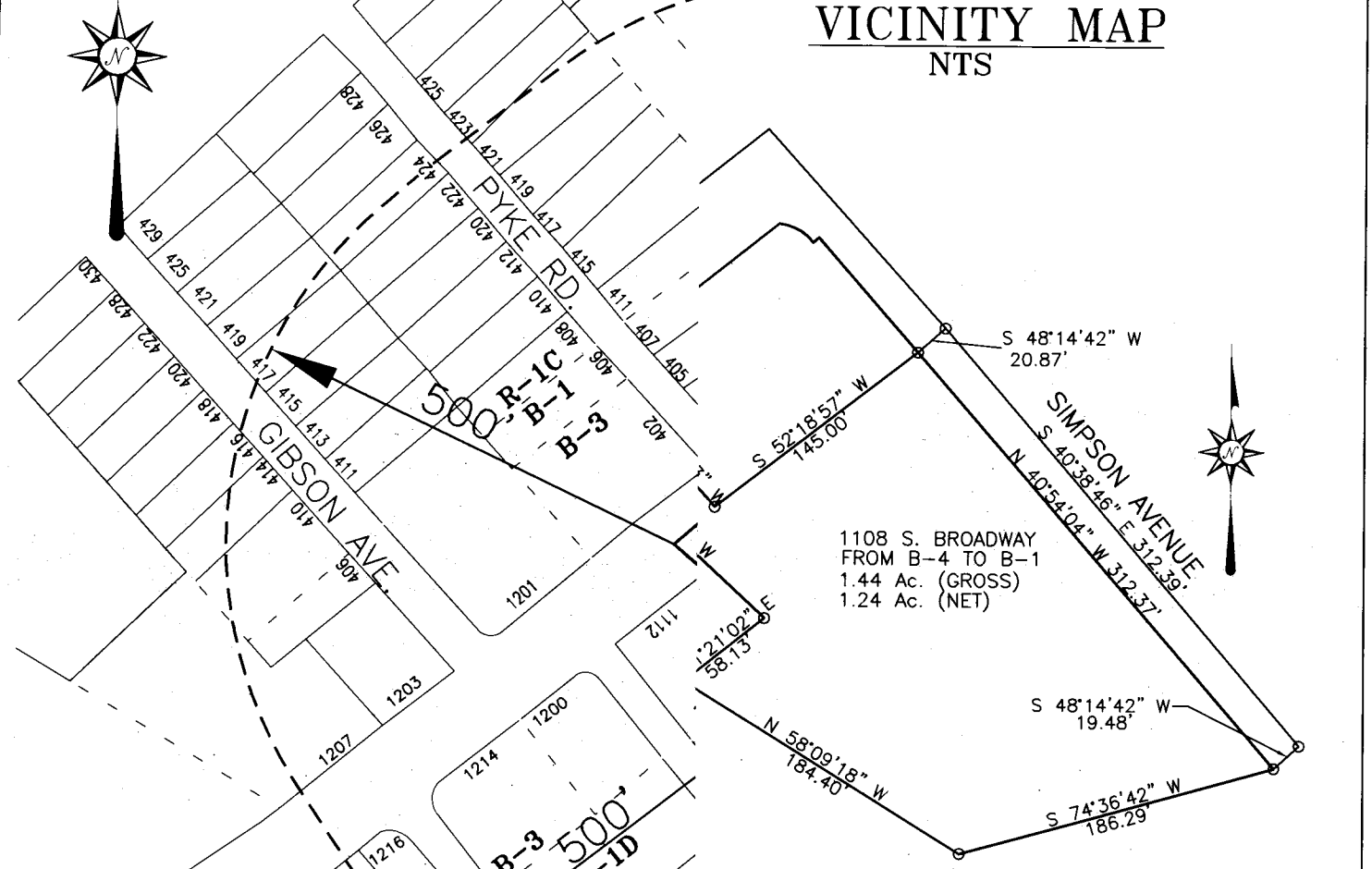
**Zone Change from B-4 To B-1
For
1108 South Broadway
Lexington, Ky. 40502**

Beginning at a point on the centerline of Simpson Avenue, said point being South 41° 45' 18" East 151.32 feet from the centerline intersection of South Broadway (US 68) and Simpson Avenue; thence with the centerline of said Simpson Avenue for one (1) call:

1. South 40° 38' 46" East 312.39 feet; thence leaving said centerline for one (1) call:
2. South 48° 14' 42" West 19.48 feet to a point on the southern Right-Of-Way line of said Simpson Avenue; thence with the line of 1108 South Broadway for four (4) calls:
3. South 74° 36' 42" West 186.29 feet;
4. North 58° 09' 18" West 184.40 feet;
5. North 51° 21' 02" East 58.13 feet;
6. North 46° 48' 00" West 171.71 feet to a point on the southern Right-Of-Way line of South Broadway (US 68); thence severing said Right-Of-Way for one (1) call:
7. North 38° 32' 18" West 47.38 feet to a point on the centerline of South Broadway (US 68); thence with said centerline for one (1) call:
8. North 51° 27' 42" East 46.51 feet; thence severing said Right-Of-Way for one (1) call:
9. South 38° 32' 18" East 46.00 feet to a point on the southern Right-Of-Way line of said South Broadway; thence with the line of 1108 South Broadway for three (3) calls:
10. Along a curve to the left having a radius of 26.52 feet, a delta angle of 65° 45' 38" and a long chord of South 20° 47' 45" East 28.80 feet;
11. South 41° 38' 13" East 76.77 feet;
12. North 52° 48' 57" East 145.00 feet to a point on the western Right-Of-Way line of said Simpson Avenue; thence severing said Right-Of-Way for one (1) call:
13. North 48° 14' 42" East 20.87 feet to the Point of Beginning containing 1.44 acres Gross, 1.24 acres Net.



VICINITY MAP
NTS



1108 S. BROADWAY
FROM B-4 TO B-1
1.44 Ac. (GROSS)
1.24 Ac. (NET)

TITLE: 1108 S BROADWAY

S:	FROM	TO	GROSS	NET
	B-4	B-1	1.44	1.24
ADDRESS:				
PANY				
STE. 250				
502				
/O THE GIBSON COMPANY				
STREET, UNIT 200				
CKY 40513				
ION ENGINEERING, LLC				
ENDED: SEPTEMBER 24, 2015	TOTAL		1.44	1.24

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2015-19: GREER LAND COMPANY

DESCRIPTION

Zone Change:

<u>REQUEST</u>		<u>ACREAGE</u>	
<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
B-1	B-3	0.35	0.56
B-4	B-3	1.24	1.44
TOTAL		1.59	2.00

Location: 1100 & 1108 South Broadway

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	B-1 & B-4	Vacant & Warehouse
To North	B-1 & B-3	Businesses & Vacant
To East	B-1 & R-4	Restaurant, Shopping Center & Multi-family Residential
To South	P-1 & B-4	Professional Office & Warehouses
To West	B-1 & P-1	Retail Sales Establishment & Professional Office

URBAN SERVICES REPORT

Roads – The site is bounded by South Broadway along its western boundary and by Simpson Avenue along its northern boundary. The South Broadway/Harrodsburg Road (US 68) corridor is a five-lane major arterial roadway in this vicinity and carries approximately 32,000 daily vehicle trips. Simpson Avenue is a local street that extends from South Broadway toward the east and terminates at the CSX Railroad line. Proposed access to the site is primarily from South Broadway, with two secondary access points along Simpson Avenue.

Curb/Gutter/Sidewalks – South Broadway was constructed with curb, gutter and sidewalk facilities. Simpson Avenue does have curb and gutters, but is lacking sidewalks along the subject properties.

Storm Sewers – The subject properties are located within the Wolf Run watershed. Storm sewers exist in this portion of the Urban Service Area, and will most likely be adequate to handle the proposed redevelopment at this location. Additional on-site stormwater facilities may be required by the LFUCG Engineering Stormwater Manuals, given recent flooding on one of the properties (although there is no designated FEMA special flood hazard area), and existing stormwater issues within this portion of the Wolf Run watershed associated with the Vaughn's Branch tributary.

Sanitary Sewers – The subject properties are located within the Wolf Run watershed, and are served by the Town Branch Sewage Treatment Facility, which is located on Lisle Industrial Road, just inside of New Circle Road. Sanitary sewer capacity will need to be verified prior to certification of the final development plan for the proposed redevelopment through the Capacity Assurance Program (CAP).

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 by the petitioner.

Police – The subject properties are located within the West Sector, and are served by the West Sector Roll Call Center, which is located on Old Frankfort Pike, more than 2 miles to the northwest of the subject properties. The downtown Police Headquarters is also in close proximity, about 1½ miles to northeast on East Main Street.

Fire/Ambulance – The nearest fire station (#11) is located approximately ½ mile to the southwest on Harrodsburg Road, between St. Joseph Hospital and Picadome Elementary School.

Utilities - All utilities, including gas, electric, water, phone, and cable TV are 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 petitioner proposes to redevelop the site with a gas station, convenience store and two retail sales establishments for a total of 14,000 square feet of space.

CASE REVIEW

The petitioner has requested a zone change from a Neighborhood Business (B-1) zone and a Wholesale and Warehouse Business (B-4) zone for 1.59 acres of property at 1100 and 1108 South Broadway.

The subject site is comprised of two parcels located at the southwestern corner of the intersection of South Broadway and Simpson Avenue, just south of the South Broadway Place Shopping Center. The parcel along South Broadway (1100) is currently zoned Neighborhood Business (B-1), and was previously occupied by a convenience store and gas station, however, the parcel is now vacant. The second parcel, located along Simpson Avenue (1108), also has about 35 feet of frontage along South Broadway. It is currently occupied by an 18,000 square-foot warehouse, associated off-street parking and loading areas, as well as a tributary of Wolf Run Creek.

The South Broadway/Harrodsburg Road corridor is predominantly commercial in nature within the immediate vicinity of the proposed zone change. The South Broadway Place Shopping Center is located across Simpson Avenue to the east of the subject site; a warehouse development adjoins the site to the south; professional offices, an AT&T retail store, and an off-street parking lot are located to the west; and across South Broadway is the Gatehouse commercial building and the vacant former site of The Rag Peddler, a fabric and interior decorating store. Further to the southeast, along Simpson Avenue, are several multi-family residential developments that are primarily occupied by University of Kentucky students. The property at 1108 South Broadway was rezoned in 1976 from an R-1D and B-1 zone to the existing B-4 zone to permit the warehouse to be constructed.

The petitioner proposes the rezoning in order to redevelop property with a convenience store/gas station along the South Broadway frontage, and two retail establishments along the Simpson Avenue frontage of the subject properties. The proposed Highway Services Business (B-3) zone permits the proposed land uses, as does the existing B-1 zone of 1100 South Broadway. The B-3 zone also permits a more flexible front yard, as well as some of the more intense land uses within the Urban County.

The 2013 Comprehensive Plan no longer makes a specific land use recommendation for the subject properties, but rather directs the Planning Commission to consider planning policies and the Goals and Objectives of the Plan for guidance when considering zone change requests. Although more flexible, the Comprehensive Plan does not specifically address modest or minor changes in commercial land use, but speaks to general compatibility and encouraging development that is context-sensitive in nature. The petitioner contends that they are developing a variety of job opportunities for people living in the general vicinity (Theme C, Goal #1.a.); but the staff does not believe that that alone constitutes agreement with the Comprehensive Plan.

The petitioner also contends that the proposed rezoning is appropriate and the existing zoning is inappropriate, in support of their request for the rezoning. First, the proposed B-3 zone is designed for the community's most highly traveled corridors, including the South Broadway/Harrodsburg Road

corridor; and B-3 zoning is fairly common within the immediate vicinity along with B-1, B-4 and B-6P zoning (but not adjoining the subject properties). Second, the petitioner wishes for the entire parcel to be within one zoning category. While these are reasonable statements, the applicant provides no justification for why the existing zoning is inappropriate at this site, specifically the B-1 zone. The B-1 zone allows the proposed land uses and the planned setback of 14 feet along Simpson Avenue (for the structure proposed to replace the warehouse). In addition, the petitioner has not requested a variance to reduce the yard requirements along Simpson Avenue in order to meet the Zoning Ordinance requirements of the B-3 zone. The staff is also not supportive of the structure's orientation to the interior of the lot, rather than providing neighborhood-oriented commercial that places its front to the street.

It is the staff's opinion that the B-1 zone is more compatible and more consistent with the character of the immediate area than the B-3 zone in this case. Also, the B-1 would provide a less intense buffer to the neighborhood in this location than the B-3 zone. The staff believes that the petitioner should reconsider their requested rezoning and its associated zoning development plan.

The Staff Recommends: Postponement, for the following reasons:

1. The requested rezoning to a Highway Service Business (B-3) zone is not in agreement with the 2013 Comprehensive Plan. Although more flexible, the Comprehensive Plan does not specifically address modest or minor changes in commercial land use. The petitioner contends that they are developing a variety of job opportunities for people living in the general vicinity (Theme C, Goal #1.a.), but that alone does not constitute agreement with the Comprehensive Plan.
2. Although the petitioner contends that the proposed B-3 zone is appropriate, they have not provided a justification for why the existing zoning is inappropriate at this site, specifically the B-1 zone that exists along the South Broadway corridor. Based on one of the new buildings proposed, the B-1 zone is more appropriate to facilitate the proposed development.
3. The petitioner has not requested any variances to the yard requirements along Simpson Avenue, as would be necessary for the currently submitted corollary zoning development plan.

TLWBJR/WLS

9/2/15

Planning Services/Staff Reports/MAR/2015/MAR2015-19.doc

SUPPLEMENTAL STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

MAR 2015-19: GREER LAND COMPANY (AMD.)

CASE REVIEW

The petitioner has requested, as of the date of this report, a zone change from a Neighborhood Business (B-1) zone and a Wholesale and Warehouse Business (B-4) zone for 1.59 acres of property at 1100 and 1108 South Broadway. The original request was for a Highway Service Business (B-3) zone. This morning, the applicant informed the Division of Planning staff that they wish to amend their request to seek a Neighborhood Business (B-1) zone for a portion of this development.

As stated in the original staff report, it is the staff's opinion that the B-1 zone is more compatible and more consistent with the character of the immediate area than the B-3 zone originally proposed by the applicant. Also, the B-1 zone would provide a better land use buffer to the neighborhood in this location than would the B-3 zone. Based on the applicant's withdrawal of the zone change for 1100 South Broadway and the request for a zone change to a B-1 zone for the remaining property at 1108 South Broadway, the staff offers the following alternative findings for approval:

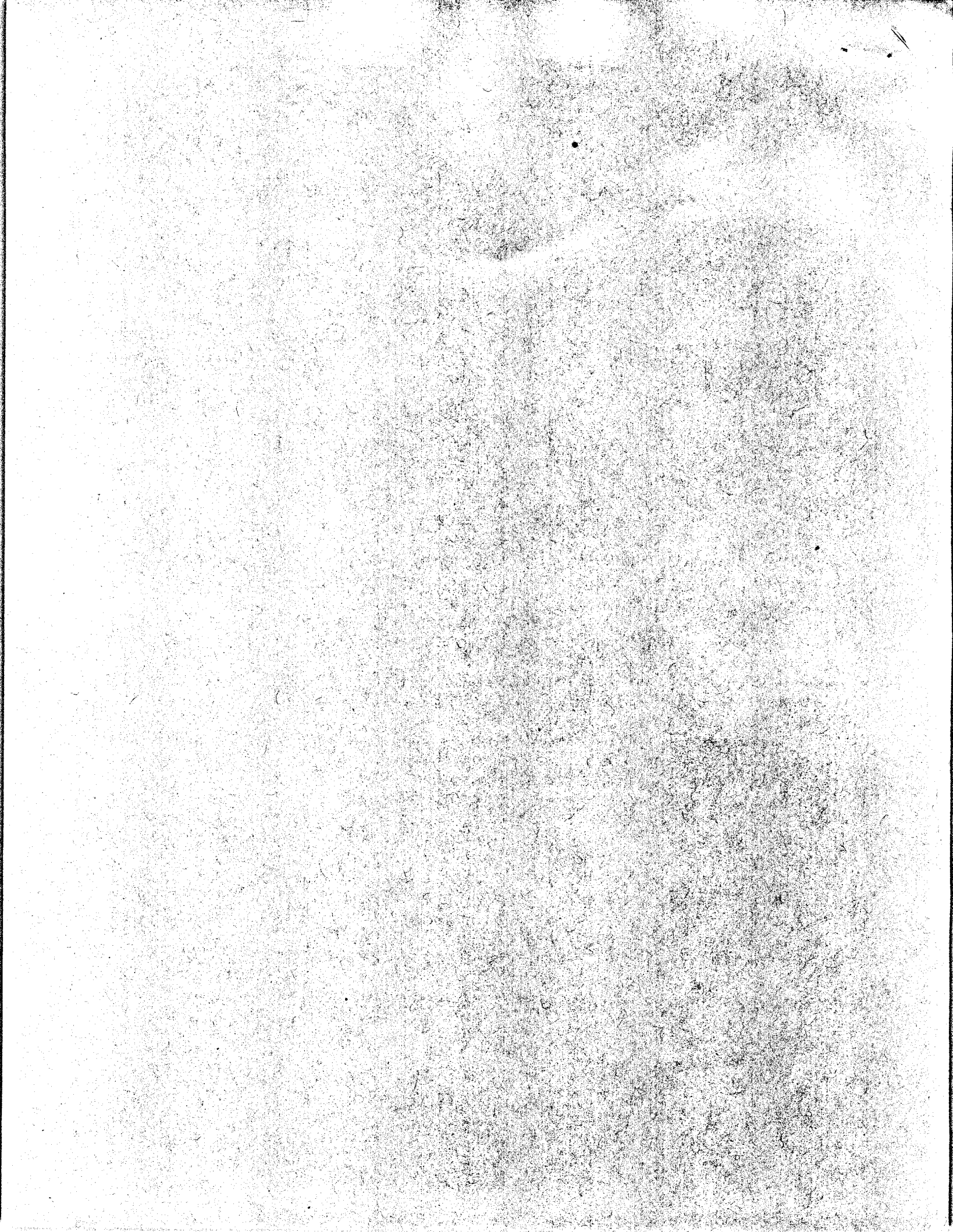
The Staff Recommends: Withdrawal of the portion of the application for 1100 South Broadway, and Approval of a Neighborhood Business (B-1) zone for a portion of the application for 1108 South Broadway, for the following reasons:

1. The requested rezoning to a Highway Service Business (B-3) zone at 1100 South Broadway is not in agreement with the 2013 Comprehensive Plan and the Neighborhood Business (B-1) zone remains an appropriate zone at this location.
2. The proposed zone change to a Neighborhood Business (B-1) zone for 1108 South Broadway 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 providing neighborhood-oriented land uses and orienting the proposed structure to Simpson Avenue.
 - 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 will provide support or service uses in the area that is compatible with the nearby residential neighborhoods.
3. The requested Neighborhood Business (B-1) zone is appropriate for this location and the existing B-4 zone is inappropriate because of the property's location in proximity to existing residential areas. More neighborhood-oriented business uses can not only serve the nearby residential area, but also provide a superior land use buffer to the neighborhood.
4. This recommendation is made subject to the approval and certification of ZDP 2015-79: Riddell Plaza, Lot 3 (Parker 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.

TLWBJR/WLS

9/2/15, 9/24/15 rev

Planning Services/Staff Reports//MAR/2015/MAR 2015-19 amd rev.doc



1. GREER LAND COMPANY ZONING MAP AMENDMENT & RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) ZONING DEVELOPMENT PLAN

- a. MAR 2015-19: GREER LAND COMPANY (11/1/15)* - petition for a zone map amendment from a Neighborhood Business (B-1) zone and a Wholesale & Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone, for 1.59 net (2.00 gross) acres, for property located at 1100 & 1108 South Broadway.

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 petitioner proposes to redevelop the site with a gas station, convenience store and two retail sales establishments, for a total of 14,000 square feet of space.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Postponement, for the following reasons:

- 1. The requested rezoning to a Highway Service Business (B-3) zone is not in agreement with the 2013 Comprehensive Plan. Although more flexible, the Comprehensive Plan does not specifically address modest or minor changes in commercial land use. The petitioner contends that they are developing a variety of job opportunities for people living in the general vicinity (Theme C, Goal #1.a.), but that alone does not constitute agreement with the Comprehensive Plan.
 - 2. Although the petitioner contends that the proposed B-3 zone is appropriate, they have not provided a justification for why the existing zoning is inappropriate at this site, specifically the B-1 zone that exists along the South Broadway corridor. Based on one of the new buildings proposed, the B-1 zone is more appropriate to facilitate the proposed development.
 - 3. The petitioner has not requested any variances to the yard requirements along Simpson Avenue, as would be necessary for the currently submitted corollary zoning development plan.
- b. ZDP 2015-79: RIDDELL PLAZA, LOT 3 (PARKER PROPERTY) (11/1/15)* - located at 1100 and 1108 South Broadway. (Vision Engineering)

The Staff Recommends: Approval, subject to the following requirements:

- 1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
- 2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
- 3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
- 4. Urban Forester's approval of tree inventory map.

Amendment of Application: Matt Carter, Vision Engineering, was present representing the petitioner. He stated that the petitioner would like to amend this rezoning application in order to remove 1100 South Broadway from the application and to rezone 1108 South Broadway to B-1, instead of to a B-3 zone.

Action: A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Penn and Smith absent) to accept the amendment to this application, in order to rezone 1108 South Broadway to B-1.

Zoning Presentation: Ms. Wade presented this rezoning request, noting that the petitioner's original application was for two parcels. Following the amendment to the application, the petitioner is now only requesting to rezone 1108 South Broadway from B-4 to B-1. The subject property has approximately 35' of frontage on South Broadway, with its primary frontage along Simpson Avenue. Ms. Wade briefly oriented the Commission to the location of the property, adding that other uses in the immediate vicinity include a small shopping center across Simpson Avenue, which is part of a larger shopping center to the northeast; a new AT&T store which has frontage adjacent to the subject property along South Broadway; some Professional Office uses on Burley Avenue; an additional warehouse, to the south-east; and the Burley/American Avenue neighborhood to the south. The nearby neighborhood is primarily single-family residential in character, but there have been some zone changes to R-4 (multi-family land use) in recent years. South Broadway is primarily commercial in this area, with a mix of B-1, B-3, B-6P, and B-4 zoning.

Ms. Wade displayed the following photographs of the subject property: 1) an aerial view, noting the existing warehouse building, which has its rear side facing Simpson Avenue; 2) a view of the existing warehouse, with parking along the frontage and a parking lot and tributary of Wolf Run Creek to the rear of the property; 3) a view of the exist-

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ing parking lot from the interior of the property toward South Broadway, noting the backup of stormwater due to recent heavy rains; 4) a view of the detention area at the rear of the property; and 5) a view of the adjacent warehouse along Simpson Avenue.

Ms. Wade stated that the petitioner is proposing to rezone the subject property in order to develop a convenience store and gas station with frontage along South Broadway, and two retail establishments in the same building along Simpson Avenue. The proposed B-1 zone does allow all of those uses. The subject property was rezoned from a Single-Family zone in 1976 to the existing B-4 zone.

With regard to the recommendations of the 2013 Comprehensive Plan, Ms. Wade said that it does not make specific land use recommendations, or include policy statements about changes from one business zone to another. The petitioner contends that the proposed B-1 zoning is in agreement with the Comprehensive Plan; the staff agrees that it is in agreement with the Goals & Objectives that recommend identifying areas of opportunity for infill, redevelopment and adaptive reuse that is context-sensitive to the area; and providing job opportunities for people living in the immediate vicinity. The petitioner is proposing a neighborhood-oriented land use, with orientation to Simpson Avenue, in a location near an existing residential development. Ms. Wade stated that it is the staff's opinion that the B-1 zone is more compatible and consistent in this area of South Broadway than the existing B-4 zone, and that it provides a better buffer than the previously requested B-3 zone would for the established residential neighborhood to the southeast. The staff is recommending withdrawal of the application for 1100 South Broadway, and approval of the rezoning to B-1 for 1108 South Broadway, for the following reasons:

The Staff Recommends: Withdrawal of the portion of the application for 1100 South Broadway, and Approval of a Neighborhood Business (B-1) zone for a portion of the application for 1108 South Broadway, for the following reasons:

1. The requested rezoning to a Highway Service Business (B-3) zone at 1100 South Broadway is not in agreement with the 2013 Comprehensive Plan, and the Neighborhood Business (B-1) zone remains an appropriate zone at this location.
2. The proposed zone change to a Neighborhood Business (B-1) zone for 1108 South Broadway 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 providing neighborhood-oriented land uses and orienting the proposed structure to Simpson Avenue.
 - 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 will provide support or service uses in the area that is compatible with the nearby residential neighborhoods.
3. The requested Neighborhood Business (B-1) zone is appropriate for this location, and the existing B-4 zone is inappropriate because of the property's location in proximity to existing residential areas. More neighborhood-oriented business uses can not only serve the nearby residential area, but also provide a superior land use buffer to the neighborhood.
4. This recommendation is made subject to the approval and certification of ZDP 2015-79: Riddell Plaza, Lot 3 (Parker 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.

Ms. Wade added that finding #1 is not required if the withdrawal of the portion of the application for 1100 South Broadway was part of the petitioner's request for amendment.

Development Plan Presentation: Mr. Martin presented the corollary zoning development plan, explaining that the petitioner is proposing to use the existing South Broadway access to the property, as well as two accesses on Simpson Avenue. This plan has been revised; the original version depicted an access point closer to the South Broadway/Simpson Avenue intersection. The petitioner also addressed the orientation of the building to Simpson Avenue, based on the staff's concern at the Subdivision and Zoning Committee meetings three weeks ago. The staff was concerned about the presentation of the buildings to Simpson Avenue, including the area between the building and the right-of-way. The revised plan now depicts that area as a sidewalk, rather than a loading zone as depicted on the previous plan. Mr. Martin noted that this is a preliminary development plan; at the time of the Final Development Plan, the staff will initiate discussions about the façade of the building, and other aspects of its presentation to Simpson Avenue.

Mr. Martin stated that the petitioner is proposing to construct just over 13,000 square feet, with each of the retail spaces containing just over 4,000 square feet of floor area. The plan includes 63 parking spaces to serve the commercial uses, including a detention area in the rear of the property. Following the Subdivision Committee meeting, the petitioner revised the dumpster location slightly in order to provide for easier access. Mr. Martin stated that the petitioner is aware that there are existing stormwater issues in the vicinity of the subject property, and that the problems will have to be resolved according to the requirements of the Stormwater Manual at the Final Development Plan stage. The proposed detention on the subject property should help to address the issue, but additional work may be

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necessary in the easement area. Mr. Martin indicated that the staff is confident that the problem can be addressed at the time of the Final Development Plan. He said that the staff is recommending approval, subject to the four conditions as listed on the agenda, modifying condition #1 to reflect the B-1 zone rather than the B-3 zone.

Commission Question: Mr. Owens stated that the area in front of the building on Simpson Avenue appeared to be marked as parking spaces. Mr. Martin answered that the area is labeled as a 20' sidewalk, which should be a nice feature in a pedestrian-oriented area.

Petitioner Representation: Mr. Carter stated that the petitioner is in agreement with the four conditions, and he requested approval.

Zoning Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 9-0 (Penn and Smith absent) to approve MAR 2015-19, as previously amended, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 9-0 (Penn and Smith absent) to approve ZDP 2015-79, subject to the four conditions as listed on the agenda, changing #1 to refer to the B-1 zone.

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